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THE

WAR OF THE REBELLION:

A COMPILATION OF THE

OFFICIAL RECORDS

OF THE

UNION AND CONFEDERATE ARMIES.

PUBLISHED UNDER THE DIRECTION OF

The Hon. RUSSELL A. ALGER, Secretary of War,

BY

BRIG. GEN. FRED C. AINSWORTH,

CHIEF OF THE RECORD AND PENSION OFFICE, WAR DEPARTMENT,

AND

MR. JOSEPH W. KIRKLEY.

SERIES II—VOLUME VI.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1899.

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PREFACE.

The work of preparing the records of the war for public use was begun, under the resolution of Congress of May 19, 1864, by Col. E. D. Townsend, assistant adjutant-general, U. S. Army (then in charge of the Adjutant-General's Office, and subsequently the Adjutant-General), who caused copies to be made of reports of battles on file in his office and steps to be taken to collect missing records.

Under the provisions of joint resolution of July 27, 1866, Hon. Peter H. Watson was appointed to supervise the preparation of the records and to formulate a plan for their publication, but he performed no service under this appointment, which expired July 27, 1868, by limitation. This resolution having also repealed the former one, the project was suspended for the time being.

The first decisive step taken was the act of June 23, 1874, providing the necessary means "to enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies," and directing him "to have copied for the Public Printer all reports, letters, telegrams, and general orders, not heretofore copied or printed, and properly arranged in chronological order." Appropriations have been made from time to time for continuing such preparation. Under this act the preliminary work was resumed by General Townsend.

Subsequently, under meager appropriations, it was prosecuted in a somewhat desultory manner by various subordinates of the War Department until December 14, 1877, when the Secretary of War, perceiving that the undertaking needed the undivided attention of a single head, detailed Capt. Robert N. Scott, Third U. S. Artillery (subsequently major and lieutenant-colonel same regiment), to take charge of the office.

The act of June 23, 1874, enlarged upon the first scheme of publication. On this more comprehensive basis it was determined that the volumes should include not only the battle reports, correspondence, etc., in possession of the War Department, but also "all official documents that can be obtained by the compiler, and that appear to be of any historical value." Colonel Scott systematized the work and, upon his recommendation, the Secretary of War approved the following order of publication:

The first series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

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In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, etc., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to state or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of the War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

*All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

Colonel Scott died March 5, 1887. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, Twenty-third U. S. Infantry, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

> That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge-advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

July 1, 1895, by direction of the Secretary of War, Maj. George W. Davis, Eleventh U. S. Infantry (subsequently lieutenant-colonel, Fourteenth U. S. Infantry), relieved Maj. George B. Davis as the military member and president of the Board of Publication. Subsequently Col. Fred C. Ainsworth, Chief of the Record and Pension Office, War Department, was appointed the military member and president of the board, relieving Lieut. Col. George W. Davis June 1, 1898.

December 1, 1898, under the provision of the sundry civil act of July 1, 1898, relative to the War Records Office, the Board of Publication was dissolved, whereupon, by direction of the Secretary of War, the continuance of the work, beginning with Vol. VI, Series II, devolved on Colonel (now Brigadier-General) Ainsworth.

Each volume includes a copious index, and for the further convenience of investigators there will be, in addition, a separate general index to the entire set.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the compiler's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and, wherever deemed necessary, to add a foot-note of explanation.

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SERIES II.—VOLUME VI.

CORRESPONDENCE, ORDERS, ETC., RELATING TO PRISONERS OF WAR AND STATE FROM JUNE 11, 1863, TO MARCH 31, 1864.

UNION AND CONFEDERATE CORRESPONDENCE, ETC.

WAR DEPARTMENT, *Washington, June 11, 1863.*

Hon. EDWARD BATES,
Attorney-General, Washington, D. C.:

SIR: I have the honor to transmit herewith papers* concerning Capt. William Gramm and Lieut. Isaac A. Wade, Eighth Virginia Volunteers, who are confined in the Richmond penitentiary as hostages for Daniel Dusky and Jacob Varner, who were tried by a U. S. court in Western Virginia and sentenced to imprisonment for robbing a post-office, and to request that you will submit the cases of these last-named men to the President with a view to their being pardoned by him as a necessary preliminary to their being exchanged for Captain Gramm and Lieutenant Wade.

Very respectfully, sir, your obedient servant,
EDWIN M. STANTON,
Secretary of War.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, June 11, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In the matter of the request made through Robert Ould, Confederate agent for exchange of prisoners, to have sundry parties (now treated as felons by the State of Indiana) regarded and exchanged as prisoners of war, I have the honor to report as follows, in compliance with your indorsement of reference of the 16th ultimo:

The parties in question are two lieutenants and thirteen privates, &c., in the company of one Captain Hall, of Col. Adam Johnson's regiment of partisan rangers. They constituted part of a force which crossed the river from Kentucky into Indiana about November 1 last, for the purpose, as is alleged, of securing a hostage for a rebel surgeon who had been previously captured or detained by our forces. During this expedition a number of horses were taken. Shortly afterward the men in question were captured by our forces or by an organized party from Indiana and lodged in prison and placed under indictment for horse stealing. It is now urged on the part of the rebel authorities that these men should be exchanged as prisoners of war and released from their confinement as

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*Probably Ludlow to Hoffman May 14, 1863, with indorsements, Vol. V, this series, p. 610.

criminals. In answer to this demand it is to be said in the first place that it is by no means clearly made out that these parties are officers and men of the rebel army and therefore proper subjects for exchange. It is not shown under what command this regiment was, in what brigade, division, or part of the rebel army, nor whether it has been stationed for any purpose in the part of Kentucky where its operations were carried on. The enemy has no post or garrison in that region and no regular force. The party which crossed into Indiana seems to have been acting independently, carrying on a border warfare or making a raid as frontiersmen. The very name of the regiment to which the company in question is alleged to have belonged, Colonel Johnson's partisan rangers, discloses the probable character of these troops and seems to fix their character as guerrillas or bushwhackers. It does not appear that these men were regularly mustered into the service of the enemy (as supposed by Colonel Ludlow), but only that they had been sworn in. But whether this formality was anything more than the administering of an oath or pledge to them as guerrillas or independent partisans is not made evident.

Whether these men therefore should be regarded as engaged in regular warfare as officers and soldiers of the enemy's army is extremely questionable. Moreover it is not deemed advisable that the jurisdiction which the State of Indiana has assumed to exercise over these parties should be interfered with under the circumstances. The authorities of that State have had the best opportunity to determine the character of these men and their purposes, both of which were probably notorious along the border. They have known them as citizens of a loyal State, yet as operating themselves in the rebel interest or more probably as taking advantage of the existing hostilities to engage in raids on their own account and independently of any organized army in the field. With this knowledge the authorities of Indiana, who must also be presumed to have arrested these men with good grounds for believing that they had committed the crime in question, have confined and indicted the parties as felons. This action has been with them a measure of police regulation as well as a proceeding under law and statute, and it should not be interfered with except upon the strongest grounds of public or military policy. If the State of Indiana had been invaded by a regularly constituted army of the enemy, and afterward during the war her civil authorities had succeeded in arresting any rebel soldiers known to have taken and converted private property during the invasion, and had proceeded against them as for a felony, their acts would doubtless have been sanctioned by the non-interference of military authority. But in the present case the reasons for such non-interference are still more grave and cogent. If the parties in question can prove by legal testimony that they are officers or soldiers of the Confederate army and that the acts for which they are indicted were committed under the orders or sanction of superior officers of that army, such proof will operate as a good defense upon their trial and the validity of such a defense can be determined far more satisfactorily in the neighborhood where the offense was committed and by testimony given under oath before a formal tribunal, than upon the loose and irresponsible statements of enemies, which now constitute the only data in the case.

Respectfully submitted.

J. HOLT,
Judge-Advocate-General.

List of prisoners referred to.*

* Omitted.

INDIANAPOLIS, *June 11, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

Considering the state of things in Indiana and the small force at this place being required at other points, together with some signs of an attempted co-operation with traitors outside, it is highly impolitic that the rebel prisoners should remain here. Where shall I send them?

O. B. WILLCOX,
Brigadier-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 11, 1863.

Brig. Gen. O. B. WILLCOX,
Commanding, Indianapolis, Ind.:

GENERAL: I have this moment received your telegram of this date requesting that the rebel prisoners might be removed from Camp Morton and I have replied to send them to Fort Delaware;* but if General Grant is as successful as we hope he will be it will probably be necessary again to send his prisoners to Camp Morton, and I hope you will be able in the meantime to make such arrangements for their security as will enable you to hold them without inconvenience. The accommodations for prisoners at Camp Morton are not good so far as their safe-keeping is concerned, but they are about as good as at other camps, and as altogether they will not hold more than 12,000 to 15,000, it will hardly be possible to dispense with Camp Morton. The men of Streight's brigade are exchanged, partly with a view to furnish guards for prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

INDIANAPOLIS, *June 11, 1863.*

Col. W. HOFFMAN:

Prisoners had been started for Camp Chase before the receipt of your dispatch, but I have telegraphed General Mason to forward them to Fort Delaware. The rolls will be sent direct to Fort Delaware and one copy to you.

Respectfully,

O. B. WILLCOX.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 11, 1863.

Brig. Gen. W. A. HAMMOND,
Surgeon-General U. S. Army, Washington, D. C.:

GENERAL: I have the honor to inform you that the Quartermaster-General has to-day given instructions for the erection at Fort Columbus of a hospital for the use of prisoners of war, calculated to accommodate as many sick as will probably be found among 8,000 to 10,000 prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* Dispatch omitted.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 11, 1863.

Capt. JOSEPH A. POTTER,
Assistant Quartermaster, Chicago, Ill.:

CAPTAIN: The Quartermaster-General has directed the system of sewerage recommended for Camp Douglas last year to be constructed and you have probably already received his instructions. The plan referred to is one prepared by one of the city engineers and submitted to me. You no doubt remember the gentleman's name, but perhaps you have some record of his claim for making the plan which was not allowed. I recall these items to your mind to assist if possible in recovering the paper, as I have been urging for some time past that something should be done to improve the sanitary condition of the camp, and this system of sewerage is the only one that can be adopted with any hope of success.

I am, very truly,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

EXECUTIVE MANSION, *Washington, June 12, 1863.*

Hon. ERASTUS CORNING, and others:

GENTLEMEN: Your letter of May 19,* inclosing the resolutions of a public meeting held at Albany, N. Y., on the 16th of the same month, was received several days ago.

The resolutions as I understand them are resolvable into two propositions—first, the expression of a purpose to sustain the cause of the Union, to secure peace through victory, and to support the Administration in every constitutional and lawful measure to suppress the rebellion; and secondly, a declaration of censure upon the Administration for supposed unconstitutional action, such as the making of military arrests. And from the two propositions a third is deduced, which is that the gentlemen composing the meeting are resolved on doing their part to maintain our common Government and country despite the folly or wickedness, as they may conceive, of any Administration. This position is eminently patriotic, and as such I thank the meeting and congratulate the nation for it. My own purpose is the same; so that the meeting and myself have a common object, and can have no difference except in the choice of means or measures for effecting that object.

And here I ought to close this paper and would close it if there was no apprehension that more injurious consequences than any merely personal to myself might follow the censures systematically cast upon me for doing what in my view of duty I could not forbear. The resolutions promise to support me in every constitutional and lawful measure to suppress the rebellion, and I have not knowingly employed nor shall I knowingly employ any other. But the meeting by their resolutions assert and argue that certain military arrests and proceedings following them for which I am ultimately responsible are unconstitutional. I think they are not. The resolutions quote from the Constitution the definition of treason, and also the limiting safeguards and guarantees therein provided for the citizen on trials of treason, and on his being held to answer for capital or otherwise infamous crimes, and in criminal prosecutions his right to a speedy and public trial by an impartial jury.

*See Vol. V, this series, p. 654.

They proceed to resolve "that these safeguards of the rights of the citizen against the pretensions of arbitrary power were intended more especially for his protection in times of civil commotion." And apparently to demonstrate the proposition the resolutions proceed:

> They were secured substantially to the English people after years of protracted civil war, and were adopted into our Constitution at the close of the Revolution.

Would not the demonstration have been better if it could have been truly said that these safeguards had been adopted and applied during the civil wars and during our Revolution instead of after the one and at the close of the other? I, too, am devotedly for them after civil war and before civil war and at all times, "except when in cases of rebellion or invasion the public safety may require" their suspension.

The resolutions proceed to tell us that these safeguards "have stood the test of seventy-six years of trial under our republican system under circumstances which show that while they constitute the foundation of all free government they are the elements of the enduring stability of the Republic." No one denies that they have so stood the test up to the beginning of the present rebellion if we except a certain occurrence at New Orleans, nor does any one question that they will stand the same test much longer after the rebellion closes. But these provisions of the Constitution have no application to the case we have in hand, because the arrests complained of were not made for treason—that is, not for the treason defined in the Constitution, and upon the conviction of which the punishment is death—nor yet were they made to hold persons to answer for any capital or otherwise infamous crimes, nor were the proceedings following in any constitutional or legal sense "criminal prosecutions." The arrests were made on totally different grounds and the proceedings following accorded with the grounds of the arrests. Let us consider the real case with which we are dealing and apply it to the parts of the Constitution plainly made for such cases.

Prior to my installation here it had been inculcated that any State had a lawful right to secede from the National Union, and that it would be expedient to exercise the right whenever the devotees of the doctrine should fail to elect a President to their own liking. I was elected contrary to their liking, and accordingly so far as it was legally possible they had taken seven States out of the Union, had seized many of the U. S. forts, and had fired upon the U. S. flag, all before I was inaugurated, and of course before I had done any official act whatever. The rebellion thus begun soon ran into the present civil war, and in certain respects it began on very unequal terms between the parties. The insurgents had been preparing for it for more than thirty years, while the Government had taken no steps to resist them. The former had carefully considered all the means which could be turned to their account. It undoubtedly was a well-pondered reliance with them that in their own unrestricted efforts to destroy Union, Constitution, and law all together the Government would in great degree be restrained by the same Constitution and law from arresting their progress. Their sympathizers pervaded all departments of the Government and nearly all communities of the people. From this material, under cover of "liberty of speech," "liberty of the press" and habeas corpus, they hoped to keep on foot amongst us a most efficient corps of spies, informers, suppliers, and aiders and abettors of their cause in a thousand ways. They knew that in times such as they were inaugurating by the Constitution itself the habeas corpus might be suspended, but they also knew that they had friends who would make a question as to who was to suspend it, meanwhile their spies and others might remain

at large to help on their cause. Or if as has happened the Executive should suspend the writ without ruinous waste of time instances of arresting innocent persons might occur, as are always likely to occur in such cases, and then a clamor could be raised in regard to this which might be at least of some service to the insurgent cause.

It needed no very keen perception to discover this part of the enemy's programme so soon as by open hostilities their machinery was fairly put in motion. Yet thoroughly imbued with a reverence for the guaranteed rights of individuals I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the exceptions of the Constitution and as indispensable to the public safety. Nothing is better known to history than that courts of justice are utterly incompetent to such cases. Civil courts are organized chiefly for the trials of individuals, or at most a few individuals acting in concert, and this in quiet times and on charges of crimes well defined in the law. Even in times of peace bands of horse-thieves and robbers frequently grow too numerous and powerful for ordinary courts of justice. But what comparison in numbers have such bands ever borne to the insurgent sympathizers even in many of the loyal States? Again a jury frequently has at least one member more ready to hang the panel than to hang the traitor. And yet again he who dissuades one man from volunteering or induces one soldier to desert weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance.

Ours is a case of rebellion—so-called by the resolutions before me; in fact a clear, flagrant, and gigantic case of rebellion; and the provision of the Constitution that "the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it" is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution that ordinary courts of justice are inadequate to "cases of rebellion"—attests their purpose that in such cases men may be held in custody whom the courts acting under ordinary rules would discharge. Habeas corpus does not discharge men who are proved to be guility of defined crime, and its suspension is allowed by the Constitution on purpose that men may be arrested and held who cannot be proved to be guilty of defined crime, "when in cases of rebellion or invasion the public safety may require it." This is precisely our present case—a case of rebellion, wherein the public safety does require the suspension. Indeed arrests by process of courts and arrests in cases of rebellion do not proceed altogether upon the same basis. The former is directed at the small percentage of ordinary and continuous perpetration of crime, while the latter is directed at sudden and extensive uprisings against the Government, which at most will succeed or fail in no great length of time. In the latter case arrests are made not so much for what has been done as for what probably would be done. The latter is more for the preventive and less for the vindictive than the former. In such cases the purposes of men are much more easily understood than in cases of ordinary crime. The man who stands by and says nothing when the peril of his Government is discussed cannot be misunderstood. If not hindered he is sure to help the enemy; much more, if he talks ambiguously—talks for his country with "buts" and "ifs" and "ands."

Of how little value the constitutional provisions I have quoted will be rendered if arrests shall never be made until defined crimes shall

have been committed may be illustrated by a few notable examples. General John C. Breckinridge, General Robert E. Lee, General Joseph E. Johnston, General John B. Magruder, General William Preston, General Simon B. Buckner, and Commodore Franklin Buchanan, now occupying the very highest places in the rebel war service, were all within the power of the Government since the rebellion began and were nearly as well known to be traitors then as now. Unquestionably if we had seized and held them the insurgent cause would be much weaker. But no one of them had then committed any crime defined in the law. Every one of them if arrested would have been discharged on habeas corpus were the writ allowed to operate. In view of these and similar cases I think the time not unlikely to come when I shall be blamed for having made too few arrests rather than too many.

By the third resolution the meeting indicates their opinion that military arrests may be constitutional in localities where rebellion actually exists, but that such arrests are unconstitutional in localities where rebellion or insurrection does not actually exist. They insist that such arrests shall not be made "outside of the lines of necessary military occupation and the scenes of insurrection." Inasmuch, however, as the Constitution itself makes no such distinction I am unable to believe that there is any such constitutional distinction. I concede that the class of arrests complained of can be constitutional only when in cases of rebellion or invasion the public safety may require them, and I insist that in such cases they are constitutional wherever the public safety requires them, as well in places to which they may prevent the rebellion extending as in those where it may be already prevailing; as well where they may restrain mischievous interference with the raising and supplying of armies to suppress the rebellion as where the rebellion may actually be; as well where they may restrain the enticing men out of the army as where they would prevent mutiny in the army; equally constitutional at all places where they will conduce to the public safety as against the dangers of rebellion or invasion.

Take the peculiar case mentioned by the meeting. It is asserted in substance that Mr. Vallandigham was by a military commander seized and tried "for no other reason than words addressed to a public meeting in criticism of the course of the Administration and in condemnation of the military orders of the general." Now if there be no mistake about this, if this assertion is the truth and the whole truth, if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest as I understand was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union, and his arrest was made because he was laboring with some effect to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the Administration or the personal interests of the commanding general, but because he was damaging the army upon the existence and vigor of which the life of the nation depends. He was warring upon the military and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country then his arrest was made on mistake of fact which I would be glad to correct on reasonably satisfactory evidence.

I understand the meeting whose resolutions I am considering to be in favor of suppressing the rebellion by military force—by armies. Long experience has shown that armies cannot be maintained unless

desertion shall be punished by the severe penalty of death. The case requires and the law and the Constitution sanction this punishment. Must I shoot a simple-minded soldier boy who deserts while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father or brother or friend into a public meeting and there working upon his feelings till he is persuaded to write to the soldier boy that he is fighting in a bad cause, for the wicked Administration of a contemptible Government, too weak to arrest and punish him if he shall desert. I think that in such a case to silence the agitator and save the boy is not only constitutional but withal a great mercy.

If I be wrong on this question of constitutional power my error lies in believing that certain proceedings are constitutional when in cases of rebellion or invasion the public safety requires them, which would not be constitutional when in the absence of rebellion or invasion the public safety does not require them; in other words, that the Constitution is not in its application in all respects the same in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security. The Constitution itself makes the distinction, and I can no more be persuaded that the Government can constitutionally take no strong measures in time of rebellion because it can be shown that the same could not be lawfully taken in time of peace than I can be persuaded that a particular drug is not a good medicine for a sick man because it can be shown to not be good food for a well one. Nor am I able to appreciate the danger apprehended by the meeting that the American people will by means of military arrests during the rebellion lose the right of public discussion, the liberty of speech and the press, the law of evidence, trial by jury, and habeas corpus throughout the indefinite peaceful future which I trust lies before them any more than I am able to believe that a man could contract so strong an appetite for emetics during temporary illness as to persist in feeding upon them during the remainder of his healthful life.

In giving the resolutions that earnest consideration which you request of me I cannot overlook the fact that the meeting speaks as "Democrats." Nor can I with full respect for their known intelligence and the fairly presumed deliberation with which they prepared their resolutions be permitted to suppose that this occurred by accident, or in any way other than that they preferred to designate themselves "Democrats" rather than "American citizens." In this time of national peril I would have preferred to meet you on a level, one step higher than any party platform, because I am sure that from such more elevated position we could do better battle for the country we all love than we possibly can from those lower ones where, from the force of habit, the prejudices of the past, and selfish hopes of the future we are sure to expend much of our ingenuity and strength in finding fault with and aiming blows at each other. But since you have denied me this I will yet be thankful for the country's sake that not all Democrats have done so. He on whose discretionary judgment Mr. Vallandigham was arrested and tried is a Democrat having no old party affinity with me; and the judge who rejected the constitutional views expressed in these resolutions by refusing to discharge Mr. Vallandigham on habeas corpus is a Democrat of better days than these, having received his judicial mantle at the hands of President Jackson. And still more, of all these Democrats who are nobly exposing their lives and shedding their blood on the battle-field I have learned that many approve the course taken with Mr. Vallandigham, while I have not heard of a single one condemning it. I cannot assert that there are none such.

And the name of President Jackson recalls an instance of pertinent history. After the battle of New Orleans and while the fact that the treaty of peace had been concluded was well known in the city, but before official knowledge of it had arrived, General Jackson still maintained martial or military law. Now that it could be said the war was over the clamor against martial law which had existed from the very first grew more furious. Among other things a Mr. Louaillier published a denunciatory newspaper article. General Jackson arrested him. A lawyer by the name of Morel procured the U. S. judge (Hall) to order a writ of habeas corpus to relieve Mr. Louaillier. General Jackson arrested both the lawyer and the judge. A Mr. Hollander ventured to say of some part of the matter that "it was a dirty trick." General Jackson arrested him. When the officer undertook to serve the writ of habeas corpus General Jackson took it from him and sent him away with a copy. Holding the judge in custody a few days the general sent him beyond the limits of his encampment and set him at liberty with an order to remain till the ratification of peace should be regularly announced or until the British should have left the southern coast. A day or two more elapsed, the ratification of the treaty of peace was regularly announced, and the judge and the others were fully liberated. A few days more and the judge called General Jackson into court and fined him $1,000 for having arrested him and the others named. The general paid the fine, and there the matter rested for nearly thirty years, when Congress refunded principal and interest. The late Senator Douglas, then in the House of Representatives, took a leading part in the debates in which the constitutional question was much discussed. I am not prepared to show who the journals would show voted for the measure.

It may be remarked: First, that we had the same Constitution then as now; secondly, that we then had a case of invasion, and now we have a case of rebellion; and, thirdly, that the permanent right of the people to public discussion, the liberty of speech and of the press, the trial by jury, the law of evidence and the habeas corpus suffered no detriment whatever by that conduct of General Jackson or its subsequent approval by the American Congress.

And yet let me say that in my own discretion I do not know whether I would have ordered the arrest of Mr. Vallandigham. While I cannot shift the responsibility from myself I hold that as a general rule the commander in the field is the better judge of the necessity in any particular case. Of course I must practice a general directory and revisory power in the matter.

One of the resolutions expressed the opinion of the meeting that arbitrary arrests will have the effect to divide and distract those who should be united in suppressing the rebellion and I am specifically called on to discharge Mr. Vallandigham. I regard this as at least a fair appeal to me on the expediency of exercising a constitutional power which I think exists. In response to such appeal I have to say it gave me pain when I learned that Mr. Vallandigham had been arrested—that is, I was pained that there should have seemed to be a necessity for arresting him—and that it will afford me great pleasure to discharge him as soon as I can by any means believe the public safety will not suffer by it.

I further say that as the war progresses it appears to me opinion and action which were in great confusion at first take shape and fall into more regular channels so that the necessity for strong dealing with them gradually decreases. I have every reason to desire that it should cease altogether, and far from the least is my regard for the

opinions and wishes of those who, like the meeting at Albany, declare their purpose to sustain the Government in every constitutional and lawful measure to suppress the rebellion. Still I must continue to do so much as may seem to be required by the public safety.

A. LINCOLN.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 12, 1863.

NATHANIEL WILSON, Esq.,
Assistant District Attorney, Washington, D. C.:

SIR: I am informed through the Navy Department that $175 in gold, U. S. notes, and Southern money taken from the Rev. J. P. B. Wilmer at the time of his arrest was placed in your hands by Commodore Harwood, U. S. Navy. You are aware that Reverend Mr. Wilmer was recently released and sent to Richmond. He now asks for the return of this money to him as his private property, and if it is consistent with what is proper in such cases to grant his request I respectfully desire that you will inclose the money to me to be forwarded through Lieutenant-Colonel Ludlow, agent for exchange of prisoners. It is usual to take from all prisoners any money in their possession at the time of their being placed in confinement and to return it to them when released, unless the amount is such as to show that it was intended for other than private uses.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS MILITARY COMMANDER,
Wheeling, W. Va., June 12, 1863.

Hon. F. H. PEIRPOINT, *Governor of Virginia:*

SIR: During the excitement attending the late raid I shipped all the prisoners then in the Atheneum to Camp Chase. Among them were the hostages for Trahern, from Barbour County. They petition to be returned to Wheeling as their health is not so good at Camp Chase, one of the number, Samuel Elliott, having lately died. Shall I send for them?

Very respectfully,

JOS. DARR, JR.,
Major and Military Commander.

[Indorsement.]

I have no objection. There are two or three of them that may go home now; we have better hostages. Don't tell them this until I see who they are.

F. H. P.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 12, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe, Va.:

COLONEL: Your letter of the 10th is received.* Of course we are bound only by what you agree to, and that is why I wish to receive

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*See Vol. V, this series, p. 771.

Mr. Ould's declaration with your comments on it that I may know what prisoners paroled or held by us have been exchanged. If the Confederate War Department has published a false declaration, one which is not in accordance with your understanding with Mr. Ould, it is a breach of the cartel which I think requires your immediate notice. The declaration which I saw was in the hands of Mr. Burgett, who claimed that by it he was exchanged. As I remember its bearings it assumes what they have so long been striving to accomplish, viz, that the Government recognizes that citizens may renounce their allegiance to the United States and transfer it to the rebel Confederacy, and if their position is not contradicted they will assert that our silence gives authority to their assumption. Please send me a copy of Mr. Ould's declaration with your corrections.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, VA., *June 12, 1863.*

Lieut. Col. W. H. LUDLOW, *Agent of Exchange:*

SIR: I inclose to you the resolution of Congress in relation to retaliation.* I thought you had seen it in the papers transmitted to you otherwise I would have sent it. I take it for granted that the Confederate authorities propose to carry out a resolution solemnly passed by them. I have not asked them whether they intend to do so and I do not think I will ever be so inconsiderate as to make any such inquiry. I have thus frankly given my view as to this matter, and I beg leave to ask you in return whether it is the purpose of your Government to execute its conscription act, and further how many men will be raised under its provisions? I feel so deep a personal interest in that subject that I hope I have not transgressed any propriety in propounding the inquiry after the example you have set me.

Respectfully, your obedient servant,

RO. OULD,
Agent for Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 12, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: You are mistaken in supposing that my "proposition to have the releases from paroles and oaths cover other than parties delivered at City Point" was made after I had published Notice No. 5. It was made before that date (May 11) and after a full and deliberate discussion between us. You hesitated at first, but when I assured you it only extended to cases of parties who were allowed to leave your territory and come to us whether by City Point or otherwise, you assented to it in distinct and unequivocal terms. The same provision in principle was incorporated in Exchange Notice No. 4, January 13, 1863. You recognized the same principle in numerous exchanges made after that date and before May 11, 1863.

I have now given the notice in good faith. You can stop its application after May 6 if you choose to do so. I cannot agree that you shall nullify the notice already given. All persons embraced in it are

* See Vol. V, this series, p. 940.

entirely free from any obligations made by them. It was so distinctly agreed upon between us that there can be no mistake about it. Nothing will make me consent that such men shall be put under any ban or disability by reason of any action of theirs performed on the faith of this notice. You can have your veto as to the future but not as to the past. If any penalties are visited upon them it becomes the solemn duty of the Confederate Government to throw every protection in its power around them. I am sure it will do so.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 12, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I herewith inclose to you a copy of General Orders, No. 11, in the case of Captain Webster.* It is true it is not printed, but yet it is of equal value with your General Orders, No. 54.† The printed copies have become exhausted save one which is now kept in the proper department.

As you only send me a copy of your general order when I asked for the record I take it for granted you mean the general order when you demand the record.

I do not know, however, that it was necessary for you to send the record, as the general order confirms everything in relation to the charge against the unfortunate man, which I have heretofore stated in my communications to you.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *June 12, 1863*

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I will make every endeavor to have full and accurate lists made of your dead. I hope to send such lists to you in a short time. I am obliged to you for the lists you have sent me. It enables me to answer many mournful inquiries.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *June 12, 1863.*

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I will be very much obliged to you if you will look over my letters of the 5th instant‡ and answer the inquiries made therein. I believe you have answered only one—that in relation to the delivery of exchanged officers. There are others of equal import to which I would like to have your response.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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* Not found.

† Of the Department of the Ohio. Embodied in War Department, A. G. O., G. O., No. 114, Vol. V, this series, p. 556.

‡ See Vol. V, this series, p. 744.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 12, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: Doctor Rucker is prosecuted by the State of Virginia for offenses against her laws for which he had no warrant in your own military law to commit. If you have any officer of the Confederate States in any such position, even though he may have been declared exchanged by our general agreements, I cannot complain of his retention.

With this proper limitation extending to only one case I am ready at any moment to deliver you every officer or man whom we have declared exchanged. I do not believe there are any such in our prisons. I have, however, caused diligent search to be made, and if any such are discovered they will be promptly delivered to you.

I hope, therefore, you will have all our exchanged officers and men sent to City Point immediately. You will find there any of the same class whom I can discover. I will be thankful to you for any names which you may be able to furnish. Spencer Kellogg's case is already under inquiry.

With the limitation as to Doctor Rucker I am entirely agreed to release unconditionally all surgeons. I agree with you that the cause of humanity demands it unless, indeed, it is shown that the surgeon has committed offenses which prove him to be a savage and a beast.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

GENERAL ORDERS, No. 99. HDQRS. DEPARTMENT OF THE OHIO,
Cincinnati, Ohio, June 12, 1863.

I. In accordance with instructions from the War Department all rebel officers prisoners in this department will be sent immediately under proper guard by the commanding officer having them in charge to Johnson's Island, near Sandusky, Ohio, where they will be strictly confined. The quartermaster's department will provide the necessary transportation, including transportation for return of guard.

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By command of Major-General Burnside:

LEWIS RICHMOND,
Assistant Adjutant-General.

SPRINGFIELD, ILL., *June 13, 1863.*

A. LINCOLN, *President:*

Stand firm in the Vallandigham case. The country will sustain you.

WM. BUTLER.
RICHD. YATES.
O. M. HATCH.
JESSE K. DUBOIS.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, June 13, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to acknowledge the receipt of your communication of the 9th instant,* and beg leave to reply that the order

* See Vol. V, this series, p. 766.

spoken of was issued without a knowledge of the circular from your office and has since been rescinded.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 13, 1863.

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose herewith a list* of prisoners of war at the Old Capitol who are desirous of being released on taking the oath of allegiance. Many of these men had expressed the desire to take the oath of allegiance before the recent order prohibiting the discharge of prisoners on such terms, and as it appears by this means brought upon themselves the enmity of other rebel prisoners which would perhaps jeopardize their lives if they should now be delivered for exchange with those prisoners. Under the circumstances I would respectfully recommend that they be sent to Philadelphia to be released on taking the oath of allegiance, with the further condition that they will not return south of Philadelphia during the war unless in the service of the United States.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Indorsement.]

WAR DEPARTMENT, *June 18, 1863.*

Approved.
By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General.

INSPECTOR-GENERAL'S OFFICE, *June 13, 1863.*

Lieut. Col. ALFRED ROMAN, *Inspector-General:*

COLONEL: In accordance with your instructions I yesterday visited the jail. I made examination into the condition of the prisoners, and as usual received from many of them the most urgent appeals to lay their cases before the higher authorities. Before entering into these particulars I deem it my duty to make some general remarks in regard to the administration of this establishment. It appears to me that the organization is defective; that there is a lack of discipline and of regularity, and that altogether the jail is not well conducted. This is doubtless partly owing to the small staff of jail officers. Mr. Milligan, the jailor, informs me that he is the only white person there, and it strikes me that it is impossible for one man to look properly after 100 prisoners. I believe this Mr. Milligan to be a kind man toward the prisoners, but with the best intentions I do not see how he can do justice to all.

I notice that there is no division among the different classes of prisoners, except a few under sentence of death, who are separately confined. Confederates and Federals associate and converse promiscuously

* Omitted.

together in the wards. The villain and perhaps the merely misguided are thus thrown in contact and freely interchange ideas and sentiments, which cannot result in good.

The cooking seems to be carried on in the worst possible manner. Odd pots and pans belonging to prisoners or lent by friends from outside seem to be the principal culinary utensils. You have already reported this matter, and I have also done so.

Again, on entering the wards one is surrounded by a clamorous, half-clothed, motley crew, all anxious to solicit one's attention for a moment. If reliance can be placed on some of their statements—and I see no reason why there should not—some of them are certainly unfairly treated. I record the names of some of these, and would suggest that steps be taken in the matter.

McDonel, a Federal prisoner, captured on Folly Island by Colonel Dargan's command on or about the 11th of April, is still in jail. This man was taken in arms when a picket and in an affair of outposts. I cannot perceive the justice that retains this man in jail.

Two Federal deserters, William May and William Robinson, whose cases were examined into and reported on by our department so far back as the 19th of May, are still in the jail.

G. W. Tripp and G. Williams, two Federal paroled deserters, forwarded here under passes from Brigadier-General Slaughter, whose cases were also examined into and reported on the 23d of May, are still in the jail. This department recommended that they should be kept in jail and forwarded by first opportunity to Nassau, but several steamers have left since then.

John Cahill, a Federal prisoner, captured at Georgetown, is also in the jail.

James Parton, a man who deserted from the First South Carolina Infantry, at Fort Moultrie, about a fortnight ago, is in confinement. He tells me he left his clothes at Battery Bee; he is now nearly ragged. He is one of many cases in which company commanders seem to forget the prisoners absent from their regiments.

An extract from your report on the same subject, dated April 24, 1863, concisely lays down what I wish to report and recommend:

> Many of the prisoners have no blankets, no clothing, no shoes. They seem to be entirely forgotten by their company commanders; so much so that some of them have been confined for months without trial. I would suggest as a rule hereafter that no private be sent to jail by the provost-marshal without having been first provided with his bedding and clothes. Company commanders must see to that. They must not forget their men because they are prisoners, and they should not delay the forwarding of their charges.

For instance, B. Donelly, of Ferguson's battery, is destitute of clothing. William Kenny says he has plenty of clothes on board the Palmetto State; is in the same position.

I could enumerate many more cases of hardship if it were necessary, but I think this will be sufficient. I would suggest that this matter be looked into; that regular discipline be enforced; that the arrangements for cooking be placed on a different method; that rules and regulations be laid down for the reception and dismissal of prisoners, and that the administration of justice be conducted on more speedy methods than apparently now exist.

Respectfully, your obedient servant,

H. WEMYSS FEILDEN,
Captain and Assistant Inspector-General.

COLUMBUS, OHIO, *June 14, 1863.*

The PRESIDENT OF THE UNITED STATES:

Allow me to express the hope that you will treat the Vallandigham committee about to call upon you with the contempt they richly merit. The Vallandigham faction will be annihilated at our coming election.

DAVID TOD,
Governor.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 14, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I inclose to you for your information a copy of letter to Mr. Ould; also one of his notices.* It only remains for us to abide by the clear construction as given in my letter and to treat prisoners in accordance with it.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

[Indorsement.]

JUNE 16, 1863.

Paragraph 8 should be confined to civilians delivered at City Point or otherwise specially declared exchanged or released and delivered at other points across the lines.

H. W. HALLECK,
General-in-Chief.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 10, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: Section No. 8 in your declarations of exchanges dated Richmond, May 11, 1863, and marked "Exchange Notice No. 5," should be confined to civilians delivered at City Point or otherwise specially declared exchanged.

Your proposition (made after you had published your notice) to have the releases from paroles and oaths cover other than parties delivered at City Point has been submitted to our authorities and has been declined.

I am, very respectfully, &c.,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 14, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Since writing to you this morning I have received a communication from Mr. Ould in reference to my protest against the section 8, of his Exchange Notice No. 5, in which he says that it was only

* See Exchange Notice No. 5, Vol. V, this series, p. 949.

intended to apply to cases of parties who had been allowed to pass through our lines whether by City Point or otherwise.* Please ask the General-in-Chief whether it will be proper to permit and accede to this interpretation of the notice. If so, I will compel Mr. Ould to so publish it in the Confederate papers in correction or explanation of his notice. There are many cases of our own citizens who have been captured and compelled to give some parole to the Confederates, and who have since giving it been sent through into our lines at other places than City Point, and who hold themselves obligated by it. I have several such cases before me now. There seems to be no principle involved in it liable to objection on our part and perhaps the number of cases on each side are about equal.

Yours, very respectfully,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 14, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: I assure you that you have not transgressed any propriety in your questions as to the purpose of the United States Government to execute its conscription act and as to the number of men who will be raised under its provisions. I have the honor to inform you in reply that the conscription act is now being executed and that a sufficient number of men will be raised under its provisions to bring this war to a speedy and successful conclusion.

My object in requesting from you a copy of the act of the Confederate Congress and information as to intentions to execute it was to know officially what disposition under the act was proposed to be made of officers and men captured in arms and who had been duly mustered into the service of the United States, and also that the issues thereby presented could be fully understood and promptly met.

Sections 4, 5, 6, and 7 of this act propose a gross and inexcusable breach of the cartel both in letter and spirit. Upon reference to the cartel you will find no mention whatever of what was to be the color of prisoners of war. It was unnecessary to make any such mention, for before the establishment of this cartel and before one single negro or mulatto was mustered into the U. S. service you had them organized in arms in Louisiana. You had Indians and half-breed negroes and Indians organized in arms under Albert Pike, in Arkansas. Subsequently negroes were captured on the battle-field at Antietam and delivered as prisoners of war at Aiken's Landing to the Confederate authorities, and receipted for and counted in exchange. And more recently the Confederate legislature of Tennessee have passed an act forcing into their military service (I quote literally) all male free persons of color between the ages of fifteen and fifty, or such number as may be necessary, who may be sound in body and capable of actual service; and they further enacted that in the event a sufficient number of free persons of color to meet the wants of the State shall not tender their services, then the Governor is empowered through the sheriffs of different counties to impress such persons until the required number is obtained.

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* See June 12, beginning "You are mistaken," p. 11.

But it is needless to argue the question. You have not a foot of ground to stand upon in making the proposed discrimination among our captured officers and men. I protest against it as a violation of the cartel, of the laws and usages of war, and of your own practices under them.

Passing events will clearly show the impracticability in executing the act referred to. In case, however, the attempt be made to execute it I now give you formal notice that the United States Government will throw its protection around all its officers and men without regard to color, and will promptly retaliate for all cases violating the cartel or the laws and usages of war.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 14, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: General Orders, No. 100, is considered as having gone into effect from the date of its communication to you on the 23d of May last, and is of course mutually binding.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 14, 1863.

Hon. ROBERT OULD, *Agent for Exchange:*

SIR: Doctor Green will be retained as a hostage for Doctor Rucker. All other surgeons in our custody (three or four now being here) will be released and delivered to you on the release and delivery to me of all you hold, except Doctor Rucker.

Do you agree to this, with the additional understanding that the detentions of surgeons shall be confined to these two?

Please inform me when Spencer Kellogg and other of our officers declared exchanged will be delivered at City Point, in order that arrangements may be made for sending up such of your exchanged officers as are at Fort Norfolk awaiting delivery.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

ABINGDON, VA., *June 14, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

DEAR SIR: I beg the favor of your attention for a moment. In the Richmond Enquirer of the 11th instant I noticed a statement of the arrest of Dr. John A. Hannah, L. Dudley Wilson, and Presley A. Howard, citizens of Montgomery County, Ky., on the charge of using treasonable language, &c. Hoping it might all be a mistake, as I was certain the charge must be, but fearful of the truth of the arrest, I am prompted by feelings of disinterested friendship to bear my testimony as an

acquaintance of those gentlemen to their staunch devotion to our cause, known and read of all Kentuckians as ultra and uncompromising rebels. While our armies occupied Kentucky last fall no man was more active or zealous in our cause than Doctor Hannah. General Marshall and staff dined with him while stationed at Mount Sterling. Mr. Howard is personally known to a great number of Kentuckians here in this brigade and has perhaps done as much or more for us than any man in Montgomery County, Ky. With Mr. Wilson's politics I am not so well acquainted, but he has always been looked upon as our friend and his association with those other gentlemen I consider good evidence of it.

With the mission of these gentlemen to the South I have no sympathy, as I understand they come to intercede (either from motives of friendship or interest) in behalf of Capt. Samuel McKee, U. S. Army, who is understood to be under sentence of death at Richmond. However, this does not alter the politics of these gentlemen who are known to be true to us and whose misfortune we all regret. Judge Moore, Member of Congress from Kentucky, I know is intimately acquainted with them, a resident of Mount Sterling himself, and I suppose that Governor Hawes and Colonel Simms and others of the Kentuckians of prominence and undoubted loyalty are also acquainted with one or more of the parties. I know that General Marshall is acquainted with Doctor Hannah and Mr. Howard, and I should not think it necessary to say a word but from the fact that Congress has adjourned and that none of the gentlemen above named I suppose are in Richmond. From this (General Preston's) brigade any amount of testimony I doubt not could be produced as to the fidelity of these gentlemen to our cause. If any suspicion has ever been cast upon it I am ignorant thereof. As to my own right to speak in their behalf I have nothing to recommend me but my own devotion to our great and good cause, in whose service I have been humbly laboring for sixteen months, first as a private, recently as assistant adjutant-general to Brig. Gen. H. Marshall.

Hoping that no difficulty may be experienced by those gentlemen in clearing themselves from all suspicion,

I have the honor to be, with great respect, your most obedient servant,

EDW. O. GUERRANT.

P. S.—I resided, when at home, at Sharpsburg, Ky., in twelve miles of Mount Sterling, Ky., the place of Doctor Hannah and Mr. Wilson's residence. They will remember me as a son of Doctor Guerrant.

E. O. G.

[Indorsement.]

They have been discharged.

HEADQUARTERS DISTRICT OF INDIANA AND MICHIGAN,
Indianapolis, June 15, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Your favor of the 11th instant is at hand. The trouble about Camp Morton as a depot for rebel prisoners is twofold. In the first place the situation of affairs in this State is such that all the troops may be required any day, as part are all the time, in various localities to put down resistance of men organized and armed against the conscription. In the second place, should there be an extensive insurrection the insurrectionists would seek to free and arm the rebel prisoners.

This I hardly anticipate, but the presence of any considerable number of prisoners causes uneasiness in the public mind if it does not actually give a sense of strength to the possibilities of insurrection. Before I sent away the last lot a number of suspicious individuals were trying to communicate with them and Governor Morton considered their further detention here as unsafe. If the necessity arises for sending more to this place of course you may rely upon my taking care of them, but it is due to myself and to the interests of the service that I should inform you of the state of things.

I have the honor to remain, colonel, your obedient servant,

O. B. WILLCOX,
Brigadier-General, Commanding.

HEADQUARTERS FORT DELAWARE, *June 15, 1863.*

Brig. Gen. WILLIAM A. HAMMOND, *Surgeon-General:*

Four thousand rebel prisoners here. Too many sick for two acting assistant surgeons. Please send one or two more.

A. SCHOEPF,
Brigadier-General, Commanding.

Extracts from a report of inspection of Fort Norfolk, Va., June 15, 1863, by Lieut. Col. J. K. Barnes, medical inspector, U. S. Army.

Clothing of prisoners dirty and worn. * * * The overcrowding of the prison cannot be controlled by the immediate commander. If a number of prisoners arrive it must hold them, whether 100 or 500, and the risk of thus developing a contagious epidemic proportionably increases with the advance of the season.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 15, 1863.

Capt. N. W. EDWARDS,
Assistant Commissary of Subsistence, Springfield, Ill.:

CAPTAIN: I am directed by the commissary-general of prisoners to say in reply to your communication of June 8, 1863,* that the scale of rations giving five pounds of green or four pounds of ground coffee to 100 rations was intended for the prisoners of war. A subsequent schedule was made for paroled troops of our own army, giving them nine pounds of green or seven pounds of ground to the 100 rations, which scales will be adhered to unless the commanding officer should find that the allowance is not sufficient, in which case he should report the fact to this office. Not having to make any returns of the prison fund to the U. S. Treasury, and the disbursing of it being entirely under his discretion, the extra-service pay will be allowed as heretofore. Inclosed please find extract from act of Congress returned as requested.

Very respectfully, your obedient servant,

W. T. HARTZ,
Captain and Assistant Adjutant-General.

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* See Vol. V, this series, p. 762.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 16, 1863.

Maj. Gen. DAVID HUNTER,
Commanding Department of the South, Hilton Head, S. C.:

GENERAL: The following are extracts from a letter some days since addressed to Lieutenant-Colonel Ludlow, agent for exchange of prisoners, in relation to paroling of prisoners of war, to be laid before the Confederate commissioner as the rule which will govern the U. S. armies in the field:

I inclose herewith General Orders, Nos. 49 and 100, current series, announcing regulations and instructions for the government of the U. S. forces in the field in the matter of paroles. These, together with the stipulations of the cartel, will govern our army. By the cartel all prisoners of war are to be delivered at certain named places, there to be exchanged or paroled, and all paroles exacted or accepted by the enemy from our troops in violation of its stipulations, except in the case provided for by the cartel, are null and void, and troops so paroled will be ordered to duty as if no parole had been given. Officers or soldiers who give paroles in violation of General Orders, No. 49, commit an offense for which they are liable to trial by a court-martial; but the enemy have, nevertheless, no right to claim that the parole is binding. * * * Orders will be immediately issued from commanders to permit no paroles to be taken from the enemy except as provided for by the cartel, and all paroles now in force not so taken will be declared of no effect. Paroles given before the publication to the army of General Orders, No. 49, though deliveries were not made as required by the cartel, will, under the usage prevailing at the time, be considered as valid.

There may be cases of a subsequent date where, from peculiar circumstances, it would be advisable to recognize irregular paroles, but in all such cases a special report, with full rolls of the parties, should be forwarded to this office as early as practicable.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Maj. Gen. J. G. Foster, commanding Department of North Carolina, New Berne, N. C., and Maj. Gen. John E. Wool, commanding Department of the East, New York City, N. Y.)

HEADQUARTERS DEPARTMENT TRANS-MISSISSIPPI,
Shreveport, La., June 16, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: I have the honor to inclose you two letters, addressed to Major-General Taylor, in regard to the disposition to be made of negroes and their officers captured in arms. Unfortunately such captures were made by some of Major-General Taylor's subordinates.

I have heard unofficially that the last Congress did not adopt any retaliatory legislation on the subject of armed negroes and their officers, but left the President to dispose of this delicate and important question. In the absence of any legislation and of any orders except those referred to in the inclosed letters, I saw no other proper and legal course for me to pursue except the one which I adopted.

I have the honor to be, general, your obedient servant,

E. KIRBY SMITH.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT TRANS-MISSISSIPPI,
Shreveport, La., June 13, 1863.

Maj. Gen. R. TAYLOR, *Commanding District of Louisiana:*

GENERAL: I have been unofficially informed that some of your troops have captured negroes in arms. I hope this may not be so, and that

your subordinates who may have been in command of capturing parties may have recognized the propriety of giving no quarter to armed negroes and their officers. In this way we may be relieved from a disagreeable dilemma. If they are taken, however, you will turn them over to the State authorities to be tried for crimes against the State, and you will afford such facilities in obtaining witnesses as the interests of the public service will permit. I am told that negroes found in a state of insurrection may be tried by a court of the parish in which the crime is committed, composed of two justices of the peace and a certain number of slave-holders. Governor Moore has called on me and stated that if the report is true that any armed negroes have been captured he will send the attorney-general to conduct the prosecution as soon as you notify him of the capture.

I have the honor to be, general, your obedient servant,

E. KIRBY SMITH,
Lieutenant-General, Commanding.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT TRANS-MISSISSIPPI,
Shreveport, La., June 13, 1863.

Maj. Gen. R. TAYLOR,
Commanding District of Louisiana:

GENERAL: In answer to the communication of Brigadier-General Hébert, of the 6th instant, asking what disposition should be made of negro slaves taken in arms, I am directed by Lieutenant-General Smith to say no quarter should be shown them. If taken prisoners, however, they should be turned over to the executive authorities of the States in which they may be captured, in obedience to the proclamation of the President of the Confederate States, sections 3 and 4, published to the Army in General Orders, No. 111, Adjutant and Inspector General's Office, series of 1862. Should negroes thus taken be executed by the military authorities capturing them it would certainly provoke retaliation. By turning them over to the civil authorities to be tried by the laws of the State no exception can be taken.

I am, general, very respectfully, your obedient servant,

S. S. ANDERSON,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 17, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe, Va.:

COLONEL: In reply to your letter of the 14th instant I am directed by the General-in-Chief to say that section 8 of Mr. Ould's declaration of exchange should be confined to civilians delivered at City Point or otherwise specially declared exchanged or released, and delivered at other points across the lines. I use his own words:

Section 8 of your declaration is not quite so comprehensive as this. Will it not be necessary to give another notice?

Besides the prisoners now at Fort Delaware, some 2,500 left Camp Morton for that fort on the 11th instant, and they will be ready for exchange as soon as the rolls are prepared. The prisoners from Alton should have been at Baltimore on Sunday last, and I did not know until yesterday after I telegraphed to you that they had not arrived.

They must have been delayed by some interruptions of the railroad communications. Captain Mulford reported to me, and I directed him to ask Colonel Donaldson to inquire for the whereabouts of the prisoners. I inclose a letter containing a small amount of Confederate money belonging to a rebel soldier who died at Pittsburg for you to return through Mr. Ould, if you think proper. I send by this mail roll of paroled troops at Benton Barracks whose names have not yet been reported.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CINCINNATI, *June 18, 1863.*

SECRETARY OF WAR:

Can I have authority to arrest Judge Trimble, of Kentucky, candidate for Congress? Declares himself opposed to the war, and if elected will oppose furnishing supplies of any kind.

A. E. BURNSIDE.

WAR DEPARTMENT, *Washington City, June 18, 1863.*

Major-General BURNSIDE, *Cincinnati:*

The President, to whom your telegram has been submitted, directs me to say that if Mr. Trimble is found encouraging desertion from your army or in any way interfering with or endangering your military operations you will be authorized to place him in arrest; but the mere declaration of his opposition to the war or that if elected he will oppose furnishing supplies of any kind is a good reason why loyal men should not vote for him but is not sufficient ground for military arrest.

EDWIN M. STANTON,

Secretary of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,

Washington, June 18, 1863.

Hon. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, accompanying a descriptive roll of 113 soldiers of the rebel army captured and paroled at the Yazoo hospital on the 21st May last.

I have the honor to inclose herewith General Orders, No. 49,* of the 28th February, and No. 100* of the 24th April, 1863, from the War Department, establishing rules for the government of the armies of the United States under which paroles are to be given or received, and I have also the honor to submit extracts from a letter which, by authority of the General-in-Chief, I addressed to Lieutenant-Colonel Ludlow, agent for the exchange of prisoners of war, instructing him how said orders are to be put in force.†

It is now understood by Colonel Ludlow and the agent for the rebel Government that with the exceptions provided for in the foregoing

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*See Vol. V, this series, pp. 306 and 671, for these orders.

†For full text of letter, see *ibid.*, p. 670.

instructions and in some few cases when from peculiar circumstances commanders of departments were permitted to recognize paroles given by our men after the publication of General Orders, No. 49, no paroles are considered as binding but those given preparatory to delivery at the places agreed upon under the provisions of the cartel.

It does not appear by the descriptive rolls of the prisoners paroled at the Yazoo hospital that they were delivered at either of the designated places or that there was any exchange of authenticated rolls giving names, &c., and without these formalities the paroles cannot be held as valid, nor can an exchange for the parties be demanded.

I respectfully submit the matter for your consideration.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 18, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Baltimore, Md.:

GENERAL: I forward the inclosed letter from Colonel Chandler to you in order that he may be the more satisfactorily informed of the cause of his detention at the Old Capitol Prison. I have in my possession an official paper from Mr. Ould stating that "no such person as D. T. Chandler holds a commission in the Army of the Confederate States of America," and they are therefore not likely to hold an officer as a hostage for him.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

Colonel HOFFMAN:

I return Colonel Chandler's letter with a note, which if you think proper you may informally send him.

Yours, E. A. HITCHCOCK.

[Inclosure.]

OLD CAPITOL PRISON, *June 14, 1863.*

Maj. Gen. E. A. HITCHCOCK, U. S. Army,
Commissioner for Exchange, Washington, D. C.:

GENERAL: I have the honor to invite your attention to the following statement: I was arrested in the Lower Potomac and within the jurisdiction of the State of Maryland on the 9th of February last, in company with three other civilians and brought to the Washington Jail, where after a short sojourn I was transferred to this prison. About the 15th of March last, there being no charges against me, I was sent with 305 other civilians (including those arrested in company with me) to Fortress Monroe en route to City Point to be exchanged as required by the agreement entered into between the Government of the United States and that of the Confederate States. On arriving at the former place I was informed that an order had been received from Colonel Hoffman, Commissary-General of Prisoners, directing me to be brought back to this place, which was done, and I have since been kept continuously in confinement in this prison. No reason has ever been assigned to me for my prolonged detention, and in reply to

my frequent inquiries I have been told that there is not and never has been any charge against me. Colonel Hoffman has steadily and persistently refused to allow me to be sent off when parties of prisoners, both of war and state, were being forwarded hence to City Point, striking my name from every list that is made out, and in consequence I have for a long time been the oldest inmate of this place. From long confinement, restricted to unaccustomed food and deprived of the exercise necessary to me, my health has become seriously impaired, and I fear that I shall again be compelled to subject myself to the surgeon's knife. My case has been examined by Captain Parker, assistant adjutant-general to the military governor of this city, and no grounds for detention found by him. You will find on inquiry that the Confederate Government has made an offer to exchange me, and is keeping a Federal officer as a hostage for me, and I cannot see why I should be debarred from the privilege of exchange accorded to all others. Colonel Hoffman has not condescended to inform me or any of my friends his reason for detaining me, and I am at a loss to know what consideration of a public nature can actuate his conduct. I am therefore induced to make this appeal to you. I was appointed in the army from Louisiana, of which State I had been a resident for several years, and have never forfeited any right as a citizen of that State. As such I claim to be exchanged in conformity with the agreement entered into respecting all persons who have been in confinement over ten days without charges being preferred against them.

I beg respectfully to ask your early attention to this matter, and am, sir, your obedient servant,

D. T. CHANDLER.

BALTIMORE, *June 21, 1863.*

Col. W. HOFFMAN, &c., *Washington:*

MY DEAR COLONEL: I have received Colonel Chandler's letter of the 14th instant, and hardly know what to say about it or about him. He was once, as you know, one of the officers of the old Third, for all of whom I always had a special regard, and I particularly valued him in early life, for he was young when with me and was a promising officer. It is now many years since I have seen him except at a glance, and I find him among the enemies of the Government that nourished and fostered him. As commissioner for the exchange of prisoners I have in reality nothing to do with him, confined as he was for attempting to run the blockade. He is not a prisoner in such a sense as brings him as such under my notice.

He claims, I see, to be a Louisianian, having been appointed from there, but I had supposed he looked upon Maryland as his State. In either case his position is a bad one. As the latter, he was taken attempting to go South—attempting to communicate with the enemy. As the former it might be considered as still worse, for what has a Louisianian to do in Maryland at this time, and after observing everything attempt a return to Louisiana, if that was his destination? The cartel does not apply to him in any event, for he was not arrested within the limits of what the South claims; was not in the army, and if claimed by the South as a Louisianian he might be considered in a most dangerous position here. Besides, for a long time the commissioner from Richmond has refused to pay any attention to the cartel except as it suited his own convenience, and has declared even that he will pay no attention to it until the North agrees to terms which, if accepted, would be

equivalent to a full acknowledgment of the freedom of all those engaged in the rebellion—freedom from all liability to the law of the common country. This is an artful attempt on the part of the South, on pretext of dealing equally, to exempt themselves from all liability for treason. This has been a darling purpose with them, and they have tried every means in their power to accomplish it. They know that they cannot try a Northern citizen for treason under any law whatever, but citizens of the South are liable for that crime under the law of the country as it stands on the statute books of the nation. This is what in the South they wish to set aside under the pretext of a cartel or an agreement not to arrest citizens, but there is no equality in the cases.

There is no agreement now requiring the exchange of Colonel Chandler. If a Southerner found within our lines, he would be liable under a formidable charge. As a Northerner attempting to make his way South, he would also be liable, and in either case independently of the South as such. As he was in the North and not in the South, though taken in an attempt to go South, I am of the opinion that he ought not to be treated as a Southerner, but as a disaffected Northerner; and I am so far from thinking that he ought to be sent South that, on the contrary, I think that he ought not be allowed to go there with the knowledge he acquired while remaining apparently for a time quiescent in the North. If there was a way by which he could be put under bonds not to go South or attempt to communicate with the South during the war, I should think he might be relieved from confinement, considering his confinement up to the present time a necessary consequence of his attempting to elude the blockade laws. But this is a matter with which I have nothing to do, for in no view of the case, as I view the question, is he a subject for exchange with which my duties connect me.

As you sent me Colonel Chandler's letter, I return it with these remarks for such consideration as you may think them worth, though I should be glad if he could be released, provided it can be done with a due regard to the public interest.

Very truly, yours, E. A. HITCHCOCK.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
June 22, 1863.

Colonel Hoffman refers these letters to Colonel Chandler for his perusal, with the request that he return them by the bearer.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
June 23, 1863.

Read and returned by the bearer.

D. T. CHANDLER.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 18, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: I send to you Colonel Morehead and Captain Flint, who have been declared exchanged. Also all the surgeons we have here, excepting Doctor Green.

Captain Mulford is instructed to bring back Colonel Morehead unless Spencer Kellogg, declared exchanged, be delivered, if in Richmond, or if he be not, unless you give an agreement that Kellogg shall be delivered at City Point within two weeks.

Captain Mulford is also instructed to bring back the surgeons unless he receives all our surgeons now confined in Richmond, except Doctor Rucker, whom you retain under charges, and for whom Doctor Green is held as a hostage.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

GUARD-HOUSE, *Fort Monroe, June 19, 1863.*

Major-General DIX, *Commanding Department:*

GENERAL: We, the undersigned prisoners from the neighborhood above Williamsburg, have the honor to solicit your intercession in our behalf. We were arrested as soon as your army reached our neighborhood, not because of any charge, but as a "military necessity," as we supposed, for the time being. When arrested we were at our homes, some of us not even aware that your forces were on the march. The provost-marshal at Yorktown states that no charges were preferred against us, and that it was his duty to send us here to be paroled. The circumstances of our families at home and our condition here render us most wretched indeed, and have induced us to appeal to your generosity for our release. Some of us have children without any one to care for them. At the rate everything was being swept away when we left, we are apprehensive that our families are reduced to famine by this time, and are anxious to be at liberty to make some arrangement to save them from starvation. For God's sake, general, let us have your sympathy. For the sake of humanity, relieve us from this distressing situation.

We have the honor to be, general, very respectfully, yours,

E. B. CHALLENNER.
B. B. JONES.
WM. MINOR.
WM. I. TIMBERLAKE.
MARSHALL M. MARTIN.
H. B. MORRIS.

[First indorsement.]

HEADQUARTERS FORT MONROE, *June 21, 1863.*

Respectfully forwarded to department headquarters.

J. ROBERTS,
Colonel Third Pennsylvania Artillery, Commanding Post.

[Second indorsement.]

JUNE 21, 1863.

Captain BLAKE:

Parole these men and send them home to-morrow by way of Yorktown.

JOHN A. DIX,
Major-General.

[Third indorsement.]

PROVOST-MARSHAL'S OFFICE, *June 26, 1863.*

The within-named citizens were this day paroled and sent to their homes via Yorktown, Va.

W. E. BLAKE,
Captain and Aide-de-Camp, Provost-Marshal.

CINCINNATI, *June 19, 1863.*

Colonel HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

The following dispatch just received from Carter, who is in command of all the East Tennessee troops in our front. I fully concur with him and think it would be very cruel and unjust to force these loyal East Tennessee conscripts back into the rebel ranks by exchange, and would be glad to have some arrangement made by which they could be released on taking the oath, or allowed to enlist in these East Tennessee regiments.

SOMERSET, *June 19, 1863.*

Major-General BURNSIDE:

I understand that several hundred East Tennessee conscripts were recently sent from Indianapolis to Fort Delaware. I learn that they are Union men from counties adjoining my own. I respectfully request that you will communicate with the Commissary-General of Prisoners, prevent the exchange of loyal East Tennesseeans as prisoners of war, which exchange will be most cruel and unjust. Most of them, I presume, will gladly volunteer in loyal East Tennessee regiments. I will gladly take any interference on your part in their behalf as a special personal favor.

S. P. CARTER.

A. E. BURNSIDE,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 19, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have requested Mr. Ould to modify his notice so as to conform with the construction as directed by the General-in-Chief.

I do not think that an additional notice need be published on our part now. Other declarations of exchange will soon be made and then it can be done.

No exchanges of civilians can be made at present, but the Confederates will doubtless receive all their friends who may be sent to them and keep all of ours.

One of the objects of the present raid into Maryland and Pennsylvania is to capture citizens and take or send them as prisoners to Richmond in retaliation, as the rebels say, for our arrests of non-combatants and then after collecting a very large number they hope to dictate terms which we now deem absurd and inadmissible.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

WAR DEPARTMENT, *Richmond, Va., June 19, 1863.*

Lieut. Col. W. H. LUDLOW, *Agent of Exchange:*

SIR: On the 9th of February last I informed you that in consequence of the regulations which had been established by you in relation to persons coming to and going from City Point in the flag-of-truce boats, no citizens will be allowed to land without having the previous permission of the Confederate authorities.

On the 10th instant you transmitted to me a notice signed by L. C. Turner, judge-advocate, concerning ladies who proposed to come South. I now inform you that I will exercise my discretion as to what ladies shall be permitted to land at City Point, and will have no hesitation in

refusing to receive such as I deem objectionable. Of course I will receive all for whom I have made application; also the wives and children of officers and soldiers in our service. As to all others I will pursue such a course as I think proper under the circumstances of each particular case.

My original proposition as to all such persons I am still ready to adopt; that was that all persons whose means, friends, and connections were at the North or South should have the privilege of going or coming with the distinct understanding, however, that the movement in each particular case was to be final. I proposed this as a mutual advantage and charity, not to be coupled with any oath of allegiance. Will you agree to this proposal now?

Very respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, *Richmond, Va., June 19, 1863.*

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: On the 5th day of June, 1863, I requested you to inform me when General Orders, No. 100, was to be considered as going into effect. To that you have returned no answer. Its date is April 24, 1863. You delivered it to me on the 23d of May, 1863.

I perceive by a General Order, No. 15,* March 9 [8], 1863, issued by General Schenck, that all officers and men who had been captured in his department, and particularly in the Shenandoah Valley, and released on parole, and not regularly exchanged should return to duty and service, on penalty of being considered deserters. When you delivered General Orders, No. 100, to me I inquired of you as to the date when it went into effect. I understood you to say the date of its delivery. You may, therefore, well imagine my surprise when I perceive that, by the general order of one of your own departmental commanders, the new provisions as to paroles are not only to have effect from and after March 9, 1863, but are made to apply to all cases previous to that date, without any limitation as to time. This is not only contrary to your own declarations to me, but to our common practice up to May 23, 1863. You have charged against me and received credit for several captures made by General Stoneman's command in his recent raid. Is it pretended that you are to have credit for captures made by your commands, while none is to be given to us, under precisely the same circumstances? Is this fair, or just, or right?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *June 19, 1863.*

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: Spencer Kellogg was sent to you on the 13th of this month. He was received here on the 6th instant. He was captured on the 5th of March, and never was in the Jackson penitentiary. He was in hospital; his sickness was alone the cause of his detention.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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* See Vol. V, this series, p. 339.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 19, 1863.

M. J. SAFFOLD, Esq., *Commissioner, &c., Montgomery, Ala.:*

SIR: Your letter of the 12th instant* covering reports of examination of prisoners at Pollard, Greenville, and Montgomery, Ala., up to the 1st instant, has been received. Your action in the premises meets the full approval of the Department. With regard to the two cases respecting which you ask instructions you can discharge Appleyard upon his parole not to be guilty of future violations of military and civil law, and an admonition that a breach of it may be attended with serious consequences. The disposition of Welch must be referred to your discretion. The Department does not desire to initiate prosecutions for political offenses and is satisfied, as a general rule, to restrain the capacity for mischief of disloyal citizens. If nothing better can be done, they must be confined, but a far preferable disposition, when it can be made, is to place them in a situation to render service to the country by useful labor, under the eye of some officer of the Government who can guard against communication with the enemy. Admiral Buchanan, at Mobile, might perhaps give employment to such persons. Disloyalty is doubtless often feigned by persons of conscript age to avoid military duty. It is not desirable to encumber the army with such men, as they may perhaps abuse their opportunities to acquire information to the injury of the Government. The concession of privilege to volunteer in commands for service in specified districts, such as General Cobb's or General Clanton's, may in some instances reconcile the parties to the service and may at your discretion be granted. These general views are thrown out merely as suggestions, the value of which you can weigh in connection with the circumstances of each individual case. When you desire to consult the Department before disposing of any case, it is requested that you submit some recommendation.

Respectfully,

JOHN A. CAMPBELL,
Assistant Secretary of War.

JUDGE-ADVOCATE-GENERAL'S OFFICE, *June 20, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: In a letter under date of the 13th instant, addressed by Lieut. Col. William H. Ludlow, commissioner for exchange of prisoners, to Col. William Hoffman, and which has been referred to this office, I find the following passage in reference to the proceedings of a court-martial held in the Department of the Cumberland, and which terminated in the conviction of David Banner and Jacob Fitzpatrick, citizens of Kentucky:

> I return to you for the examination of the Judge-Advocate-General the papers in the cases of Banner and Fitzpatrick. The proceedings seem to me to be null and void and had better not be submitted to the inspection of the Confederate authorities.

From the language it is fairly if not necessarily inferable that Lieutenant-Colonel Ludlow has felt himself authorized in his official intercourse with the rebels to submit to them for examination and review the records of our military courts in cases in which such inspection has been claimed. My view of what should be the action of the Government of the United States under such circumstances has been just the opposite of that apparently entertained by Lieutenant-Colonel

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* Omitted.

Ludlow. On the 16th of May, in commenting on a letter from this officer which had been referred to me for a compliance with its request, I addressed to the Secretary of War the following language:

The demand made by the rebel authorities for information in reference to the proceedings of our courts-martial which resulted in the conviction of certain spies and traitors, emissaries in Kentucky, is deemed impertinent, and the information sought will not be communicated unless specially directed by the Secretary. This Government is in no degree responsible to rebels in arms for the action of its own military courts, and it seems to me that it would utterly degrade itself by recognizing any such responsibility. Any such recognition would involve an ignoring of the great truth that this is a war on crime and criminals, which cannot be lost sight of without incurring the risk of becoming, in the judgment of the world, criminals ourselves.

I am without advice as to whether the views thus expressed have been acted on by the Secretary of War. Feeling, therefore, some embarrassment as to the proper reply to be made to the communication now under consideration, the whole subject is respectfully referred to the Secretary for his instructions.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 20, 1863.

Maj. Gen. A. E. BURNSIDE,
Commanding Department of the Ohio, Cincinnati, Ohio:

GENERAL: The propriety of releasing enlisted prisoners of war and permitting them to enter our service has been laid before the Secretary of War, who directs that, when it can be reliably shown that the applicant was impressed into the rebel service and that he now wishes in good faith to join our army, he may be permitted to do so on his taking the oath of allegiance.

It is left for the examining officer to satisfy himself of the reliability of prisoners' statements by such inquiries as he may be able to make.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CINCINNATI, *June 20, 1863.*

General CARTER, *Somerset, Ky.:*

Dispatch received from Commissary-General of Prisoners at Washington that East Tennesseeans will not be compelled to be exchanged if they wish to remain with us.

A. E. BURNSIDE,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 21, 1863.

Maj. Gen. J. M. SCHOFIELD,
Commanding Department of the Missouri, Saint Louis, Mo.:

Section 8 of the within declaration* is much too comprehensive; it should be confined to civilians who have been delivered through our

* See Exchange Notice No. 5, Vol. V, this series, p. 949.

lines to City Point or at other places, and it will be so corrected. Section 9 requires the delivery of all exchanged persons, which we are bound to do without any such notice; and if there are any such, including officers at Saint Louis, I have respectfully to request you will order them to be delivered to Lieutenant-Colonel Ludlow, agent for exchange of prisoners, at Fort Monroe.

Respectfully returned to Major-General Schofield.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Near Vicksburg, June 22, 1863.

Brig. Gen. L. THOMAS, *Adjutant-General of the Army:*

GENERAL: Inclosed herewith please find copy of letter from Admiral Porter to me and one sent by me to General Taylor, of the Confederate Army. As soon as reply is received I will send that also to Headquarters of the Army.*

Very respectfully, your obedient servant,

U. S. GRANT,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 22, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe, Va.:

COLONEL: I have sent you to day by express a roll of paroled prisoners yet to be exchanged. They have been made up in this office by selecting from various rolls such names as have not been covered by exchanges already announced. Your letter of 19th instant is received. Any further notice in regard to civilians may be postponed till the next declaration, as you suggest. I will be much obliged to you if you can give me some information about the prospect of an exchange of civilians, so that I may answer the many inquiries that are made. What is the obstacle and is there any hope of it being removed? There are some citizen prisoners just arrived from Fort Lafayette, captured by the Navy Department, who are now [here] for exchange; I shall send them by the next steamer. I will send no more citizens to you till you call for them.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 22, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose copies of correspondence between Mr. Ould and myself and which I hope will meet your approval.†

* These inclosures and subsequent correspondence printed in Series I, Vol. XXIV, Part III, pp. 425, 443, 469.

† Inclosures not identified.

I have reason to believe that Mr. Ould avoided compliance with my demand for copy of an act of the rebel Congress for other reasons than the one stated by him.

The retention of Colonel Streight's officers under this act, the mustering into the U. S. service of negroes and officers in command of them, and the pledge thereby implied of protection seemed to make it necessary and desirable that the issue should be promptly met.

I notice strong indications that this subject of so-called retaliation is getting unpopular among the Confederates.

I desire to effect exchanges of officers in accordance with the cartel and general principles, and not by special or individual arrangements, and I do not think that the public service will be benefited by making the latter.

I have the honor also to inclose a copy of a communication* from Mr. Ould on the subject of parties going to the South and to which I have made no response.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 22, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I inclose to you a letter left with me by the officer in charge of Daniel Dusky. Can you furnish me other evidence that Jacob Varner is not now in their lines? Please do so if possible. General Orders, No. 100, was served upon Mr. Ould on the 23d of May last, and takes effect after that date. The service was accompanied with the notice, a copy of which I have before given you, that all captures must be reduced to possession and delivered at certain points agreed upon. If you have any paroles taken before that date, please send them and I can use them. The General Orders, No. 15, March 7 [8], 1863, of Major-General Schenck is null and void, and subjects the parties interested in it to harsh treatment in the case of capture. If they gave their parole in violation of orders they should be punished, not debarred exchange.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

P. S.—The letter containing the $100, and addressed to Lieut. J. R. Walker, has been received and will be forwarded to Mr. Ould.

W. H. L.

[Inclosure.]

PENITENTIARY, SUPERINTENDENT'S OFFICE,
Albany, N. Y., June 17, 1863.

Col. W. HOFFMAN:

SIR: In accordance with your request I have this day delivered Daniel Dusky into the custody of Lieutenant Hosea. Jacob Varner

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* See June 19, p. 28.

was discharged from here June 4, 1863, in accordance with an order of W. H. Lamon, esq., U. S. marshal for the District of Columbia, he having received a pardon for said Varner from the President, dated June 1, 1863.

Very respectfully, your obedient servant,

AMOS PILLSBURY,
Superintendent.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., June 23, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to acknowledge receipt of communication* (herewith returned) of J. Hoey, lieutenant, Company A, Seventeenth Arkansas, C. S. Army, in relation to the killing of Lieutenant-Colonel Woods by Lieutenant Lewis, U. S. Army, and present the following report:

By order of Maj. Gen. C. S. Hamilton, then temporarily in command of Sixteenth Army Corps, a military commission convened at Memphis, Tenn., of which Col. Marshall S. Howe, Third U. S. Cavalry, was president; Capt. George A. Williams, First U. S. Infantry, judge-advocate, for the trial of Second Lieut. Charles Lewis, Second U. S. Cavalry, charged with the murder of Lieutenant-Colonel Woods, of the rebel army. Special Orders, No. 11, headquarters District of West Tennessee, 7th of February, 1863.

On 24th of February, 1863, the record was received at these headquarters, the sentence being duly recorded: "The prisoner to be dishonorably dismissed the service of the United States and then to be hung by the neck until he is dead, at such time and place as may be ordered by the President of the United States." Upon the same day the record was duly forwarded to headquarters of department, with the following indorsement:

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., February 24, 1863.

Finding and sentence approved.
Respectfully forwarded.

S. A. HURLBUT,
Major-General.

Upon the same day the following special order was issued:

SPECIAL ORDERS, No. 17.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., February 24, 1863.

I. Second Lieut. Charles Lewis, U. S. cavalry, having been tried by a military commission and the proceedings forwarded to the President of the United States, will be committed to strict confinement at the Alton prison, Illinois, until the decision of the President shall be made known.

Col. M. S. Howe, Third U. S. Cavalry, will detail a sergeant and three men as a guard to convey the prisoner to Alton.

The department quartermaster will furnish transportation.

* * * * * * *

Upon the 26th February Col. M. S. Howe, Third U. S. Cavalry, officially notified these headquarters that Lewis, who had been held in close confinement and ironed in the military prison during his trial and since, had escaped. Whereupon the following notice was extensively

* See Vol. V, this series, p. 945, for this correspondence and its reference to Hurlbut.

and immediately circulated by being published in the journals of the city and by being transmitted to neighboring stations so far up as Saint Louis, Mo.:

Escaped from the Irving Block, Charles Lewis, second lieutenant, Second U. S. Cavalry, lately tried for murder of Lieutenant-Colonel Woods, a prisoner of war. Two hundred dollars will be paid for his arrest and delivery to Col. D. C. Anthony, provost-marshal. If he resists arrest all persons, civil or military, are hereby authorized to shoot him upon the spot. All officers, soldiers, and citizens are required and authorized to arrest said Lewis.

By order of Maj. Gen. S. A. Hurlbut:

HENRY BINMORE,
Assistant Adjutant-General.

The fact of the escape was upon the same day telegraphed to the Adjutant-General U. S. Army at Washington, D. C.

The next heard of him showed him to have hastened to Richmond, Va., where he tendered his services to the rebel authorities and was commissioned as a lieutenant in some rebel organization of the cavalry arm.

It is since reported that for gallantry in fighting against his country he was promoted to a colonelcy, vice the colonel of the regiment in which he was then serving, to fill a vacancy by reason of the death of the latter from wounds received at Fredericksburg.

I have the honor to be, sir, very respectfully, your obedient servant,

S. A. HURLBUT,
Major-General.

[First indorsement.]

FORT MONROE, *July 4, 1863.*

Respectfully forwarded to Hon. Robert Ould, agent for exchange of prisoners.

The form of report of General Hurlbut was evidently not intended for reference to Confederate authorities, but as it embodies important statements it is forwarded as received by Colonel Hoffman.

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange.

[Second indorsement.]

JULY 10, 1863.

Respectfully referred to the Secretary of War.

The circumstances narrated in the two papers are very singular.

I have made particular inquiries for any such officer in our service as Charles Lewis and can find none such.

If he has joined our service he has changed his name.

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 23, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: The grounds upon which Doctor Rucker has been retained have already been fully communicated. He has been indicted by the Commonwealth of Virginia for offenses committed within her limits which are not sanctioned by any civilized military code. He was not under the protection of a soldier when he committed the felonies charged against him. The State is now prosecuting him for those crimes and his trial has been delayed for two terms of the court, at his own instance, as I am informed.

You have said to me that the principles announced in General Orders, No. 100, are to apply against you as well as for you. In that order you distinctly recognize the right of an invaded State to punish all wanton violence committed against its citizens as well as all destruction of property not commanded by the authorized officer. I refer to paragraphs 44, 47, and especially 59. If I had the framing of a provision to meet Doctor Rucker's case and to justify his detention I could not use apter terms than those employed in paragraph 59.

Moreover, you have claimed and exercised the right of holding many of our officers and soldiers on mere suspicion for months without trial or proceedings of any sort against them. You have such in confinement now. For them we have selected none of your officers or soldiers in retaliation; yet when we retain the first of yours under indictment preferred by a grand jury, you immediately select one of ours in retaliation. If we had applied any such rule to you since the beginning of the war, how many of your officers and soldiers would be now in our prisons?

I lament with you the detention of surgeons. I am willing to do anything consistent with honor and justice to promote their discharge. But we cannot surrender a clear right. Doctor Rucker's detention is justified by your own principles and practice. I have already admitted your right to detain any one of our officers under similar circumstances. If we are justified by the rules of war in detaining for trial Doctor Rucker, what right have you to hold Doctor Green in retaliation?

Your request for the discharge of all surgeons except Doctors Rucker and Green is simply asking me to admit that the former is unjustly detained and the latter rightly held in retaliation. I deny both and appeal to your own military laws. As Doctor Rucker has asked to have his trial postponed, let his case remain as it is and let us unconditionally release all other surgeons on both sides. If any grand jury of yours indicts any surgeon or other officer of ours for such offenses as are charged against Doctor Rucker, and he is detained for trial, I am sure I will not complain.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Memorandum.

[About June 23, 1863.]

Col. D. T. Chandler, committed by Captain Todd.—Charge, violating blockade.

Major and brevet lieutenant-colonel of the old army in the Fifth Infantry. Is forty-three years old. Retired as disabled from disease and injuries contracted in line of duty. Resignation was accepted by the President to take effect in December last. He was born in the District and resided in Louisiana. Was in lower Maryland, Saint Mary's County, in February last. Attempted to go over to Westmoreland, which was in Federal occupation, to see some friends. Was arrested in going on the night of the 9th of February in row-boat with some three other persons who have been sent South since. He was sent South to be exchanged March 15 with the rest. Mr. Wood had previously made every inquiry concerning him at provost-marshal's, and was informed that no reason existed at their office why he should not be exchanged. Upon arriving at Fortress Monroe a telegram was received from Colonel Hoffman

ordering Colonel Chandler to be returned. He claims that he like the rest should be either exchanged or discharged. His baggage was searched and nothing contraband was found, and it was all returned to him by the commodore. His little pocket money, $150 in gold and $52.30 in U. S. notes, was taken and was forwarded by the district attorney to be returned to him, but was not. It must be in the hands of District Attorney Carrington or prize commissioner. The boat was a small row-boat. Each person had his own baggage, and the district attorney said the concern was not worth libeling. Colonel Chandler alleges personal feeling on the part of Colonel Hoffman as the cause of his protracted detention. He desires to be sent to General Schenck, and to be sent thence South.

[First indorsement.]

Captain PARKER:

What has become of the case of Col. D. T. Chandler?

J. H. MARTINDALE,
Brigadier-General and Military Governor.

[Second indorsement.]

I respectfully report that George Taylor was discharged June 13. Colonel Chandler is still in prison.

EDWARD G. PARKER,
Captain and Assistant Adjutant-General.

[Third indorsement.]

Respectfully referred to Colonel Hoffman. Is there any reason why the exchange of Colonel Chandler was interrupted which should be taken into consideration in deciding whether he should be discharged? Is there any intention of holding him for exchange?

Respectfully, &c.,

J. H. MARTINDALE,
Brigadier-General and Military Governor.

OFFICE EXCHANGE OF PRISONERS,
Vicksburg, Miss., June 23, 1863.

Maj. Gen. U. S. GRANT,
Commanding U. S. Forces near Vicksburg, Miss.:

GENERAL: I this day send across the river to you four men, viz, James E. Gaddy, Company E, Sixth Illinois Cavalry; Bernard Collins, Company E, Thirty-ninth Ohio Infantry; A. M. Shipman, Company D, Forty-third Ohio Infantry; Nicholas Hoit, Company C, Seventh Iowa Infantry, who have been held as hostages since December, 1862, for the acts of some of your soldiers in Panola County, Miss.

I hand inclosed copy of a letter from Capt. J. B. Sample, U. S. Army, and my reply.

Captain Sample detained four Confederate prisoners, viz, James McFall, Company A, Tenth Kentucky Regiment; William Leton, Company K, Twentieth Tennessee; E. W. Brown, Thirty-seventh Mississippi; W. H. Tomlin, Sixth Florida, under your instructions, as hostages for the four Federal prisoners. He and I agreed that the Confederate prisoners should be detained in Memphis, Tenn., and be sent to me as soon as the Federal prisoners were released. I ask of you, general, a fulfillment of this promise.

I am, general, very respectfully, your obedient servant,

N. G. WATTS,
Major and Agent.

[Inclosure No. 1.]

U. S. STEAMER EMERALD,
Near Vicksburg, Miss., November 1, 1862.

Maj. N. G. WATTS, *Agent for Exchange of Prisoners:*

SIR: I am informed by the Federal prisoners whom you have just delivered to me that four others of their fellow-prisoners were detained in close confinement by your order. I have the honor to request in behalf of my Government that you state your reasons for so detaining them. I will await your pleasure.

Very respectfully, your obedient servant,

J. B. SAMPLE,
Capt. and A. A. G., U. S. Vols., Agent for Exchange of Prisoners.

[Inclosure No. 2.]

OFFICE EXCHANGE OF PRISONERS,
Vicksburg, Miss., November 2, 1862.

Capt. J. B. SAMPLE,
On Board Steamer Emerald, near Vicksburg, Miss.:

CAPTAIN: Your letter to hand. The prisoners mentioned in your favor are detained as hostages by order of my Government, and your Government officially informed of the fact.

I am, captain, most respectfully, your obedient servant,

N. G. WATTS,
Major, C. S. Army, and Agent for Exchange of Prisoners of War.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, June 24, 1863.

Brig. Gen. J. H. MARTINDALE,
Commanding Military District of Washington:

GENERAL: Upon the case of Claggett Fitzhugh, submitted to me by you, I have the honor to reply that I have examined the within papers and that my views thereon are as follows:

Said Fitzhugh is now held in the Old Capitol Prison as a citizen and political prisoner, having been arrested in September, 1862, for aiding and abetting the enemy, acting as guide to the rebel General Longstreet, &c. He, however, claims to be treated as a prisoner of war, asserts that when captured he had been regularly enlisted in the rebel service, and as such must have been included in the exchange of prisoners heretofore carried out between the two armies. It is admitted that if he was an enlisted man at the time of his capture he has been exchanged and should be set at liberty.

There is no evidence whatever in the case, beyond his own assertion, that Fitzhugh was ever enlisted in the rebel service as a soldier or otherwise. On the contrary the circumstances detailed in the papers all go to show that he was, when arrested, acting in the character of a traitorous and disloyal citizen, and as such giving aid and comfort to the enemy. It appears that he resided at Mont Alto, Franklin County, Pa., and had held for years a reponsible position as clerk and deputy manager of the iron-works at that place; that he had made himself thoroughly acquainted in the course of his business with the roads in Western Maryland and on the frontier of Pennsylvania; that he joined the enemy upon their invasion of the latter State on the 13th of September, and was captured the next day; that when captured he was

mounted and armed, and acting not in the capacity of a soldier, but as guide to the ammunition train of General Longstreet's command. It is not probable that an old resident of that region occupying a respectable and responsible position in society would leave his home and his business for the purpose of enlisting as a rebel soldier. It is much more probable that he joined the enemy for the purpose of assisting them with the knowledge and information which he possessed as a citizen and as a man of intelligence and influence in the neighborhood, and the occupation in which he was engaged when captured was precisely such as his previous residence and local knowledge had best fitted him for.

It appears that his loyalty had been long suspected among his fellow-citizens. Under the circumstances it is not deemed that the prisoner's own statement should be held sufficient to settle his status, and in accordance with the suggestions in the within letters* it is recommended that the prisoner be returned to the authorities of Franklin County to be prosecuted under the act of Congress of July 17, 1862, Chapter CXCV, or such other act as the evidence available in the case may indicate as more directly applicable to his offense. In view of the known disloyalty of Fitzhugh and his efficiency as a guide it is for the President to determine whether, in case he be remanded to the civil authority during the present invasion of Pennsylvania by the rebels, it will not be expedient to suspend in his case the privilege of the writ of habeas corpus.

Respectfully submitted.

J. HOLT,
Judge-Advocate-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 24, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange, Fort Monroe, Va.:

COLONEL: A steamer will leave to-morrow with some 400 prisoners of war for delivery at City Point. I send with them a surgeon and chaplain to be delivered or not as you may think proper under the suspension existing of some of the provisions of the cartel. No transportation could be furnished at Philadelphia, and I have therefore sent from here the only available steamers in port to take the prisoners of war from Fort Delaware to City Point. They will be obliged to make two trips. Before the arrival of paroled prisoners from City Point I will be able to tell you how many should be delivered here. I doubt if they have as many as they represent, for nearly all the missing of Milroy's command have come in. I send you by the captain of the steamer another package of rolls of paroled men at Camp Chase who are to be exchanged. They are from many different regiments, and I don't see how you can classify them except by saying "officers and enlisted men at Camp Chase" on rolls presented.

Surgeon Barnes, medical inspector, informs me that there are frequently more prisoners confined at Fort Norfolk than the place will accommodate without producing much sickness, and as, if I understand rightly, prisoners of war are held there only temporarily while waiting delivery at City Point under your direction, I request you will avoid crowding the fort by returning to Fort Delaware as many as it will not conveniently accommodate. If prisoners of war are held there who have been captured in that department, I should have rolls and returns

* Omitted.

of them. I am unable to say on what terms Varner was released, nor can I say whether he has gone beyond our lines. I will inquire.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

FORT MONROE, VA., *June 24, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

Please delay until I again telegraph you sending the prisoners of war here from Fort Delaware. Military movement here makes this delay necessary.

WM. H. LUDLOW,

Lieutenant-Colonel, &c.

HEADQUARTERS DEPARTMENT OF VIRGINIA,

Fort Monroe, June 24, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I respectfully request that lists of all prisoners and other persons sent from Washington on a flag-of-truce boat to be delivered at City Point be inspected by you, and I will instruct the officer in charge of such boat to receive no one whose name has not been approved by you.

An infamous outrage unknown to you was committed by sending on the last flag-of-truce boat, under the charge of Major Mulford, Third Regiment New York Volunteers, a woman, who was placed on board by Detective Baker or Superintendent Wood, or both, to be sent to Richmond and who is a detective in their employ.

I have called for a report in the case, and when made by Major Mulford I will forward it to the Secretary of War and will furnish you with a copy.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

The name of the woman as given on the roll is Ann Waters, Warrenton, Fauquier County, rebel mail carrier and contrabandist.

HEADQUARTERS DEPARTMENT OF VIRGINIA,

Fort Monroe, June 24, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I inclose to you for your information copies of correspondence* in relation to exchange of citizen prisoners and which some time ago were submitted to the Secretary of War, and has his approval.

You will see how impracticable at present exchanges of citizens are and how little hope there is of any speedy removal of obstacles. The only prospect I can now see of such removal is a pressure upon the Confederate authorities by the friends of the citizen prisoners we hold.

* See Ould to Ludlow, May 22, and Ludlow to Ould, May 25, Vol. V, this series, pp. 691 and 703, respectively.

It required six months' hard labor for me to succeed in effecting the prisoners' exchanges or releases of our citizens held by the Confederates.

I would recommend that you send here no more Confederate citizens until I can inform you of some prospect of obtaining equivalents for them.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange.

P. S.—I send also copies of correspondence* in relation to threatened retaliation on officers, which has also received the approval of the Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 24, 1863.

Hon. ROBERT OULD, *Agent of Exchange:*

SIR: In considering the Order No. 100, of 1863, U. S. War Department, entitled "Instructions for the government of armies in the field," the inquiry is suggested whether it was communicated to you with any purpose of obtaining a reply from you as to the merits of the order or your assent to its provisions. It sometimes happens with nations engaged in war that besides the usual agreements relative to the exchange of prisoners, flags of truce, passports, and intercourse between armies in the field, general conventions are made for regulating the principles on which the war is to be conducted; the treatment that persons and property found in the territory which is the seat of the war shall experience, and how the evils of the war may be mitigated by the adoption of a positive code.

The writers on international law mention such conventions as entirely legitimate; but this order seems to repudiate such a purpose by asserting that "no conventional restriction of the modes adopted to injure the enemy is any longer admitted." Order No. 100 is a confused, unassorted, and undiscriminating compilation from the opinion of the publicists of the last two centuries, some of which are obsolete, others repudiated; and a military commander under this code may pursue a line of conduct in accordance with principles of justice, faith, and honor, or he may justify conduct correspondent with the warfare of the barbarous hordes who overran the Roman Empire, or who, in the Middle Ages, devastated the continent of Asia and menaced the civilization of Europe. There is no course left us but to designate the class of principles that meet our approbation and to distinguish those that will provoke retaliation. The Confederate States agree "that it is incumbent upon all who are in situations to administer martial law that they should be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed—and that the law of war disclaims all cruelty and bad faith concerning engagements concluded with the enemy during the war, all extortions, all transactions for individual gain, all acts of private revenge, or connivance at such acts." They agree "that as civilization has advanced so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country

* See Ould to Ludlow, May 22, and Ludlow to Ould, May 25, Vol. V, this series, pp. 690 and 702, respectively.

and the hostile country itself with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit." They agree "that it is a violation of the laws of war and the principles of humanity to murder, enslave, or carry off to distant parts private citizens, and that the inoffensive individual should be as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling exigencies of a vigorous war." They agree "that it was in remote times, and continues to be with vindictive, malignant, and savage armies at the present time, the rule that the private individual of the hostile country is destined to suffer every privation of liberty and protection and every disruption of family ties, and that in modern regular wars of the Europeans and" portions of "their descendants in other portions of the globe"—candor will not allow us to say all of their descendants—"protection of the inoffensive citizen of the hostile country is the rule, and privation and disturbance of private relations is the exception." They acknowledge "that when men take up arms against one another in a public war they do not cease on this account to be moral beings, responsible to one another and to God."

These principles condemn the murder of non-combatants; the pillage of the farms and houses of persons who are not engaged in the war; the destruction of implements of husbandry, growing crops, mills, houses, fruit trees, and the filling up and destruction of ports and harbors of refuge; the expulsion of old men, women, and children, with limited supplies of money and clothing from their homes; the violation of cartels relative to the exchange of prisoners; the detention of prisoners for weeks and months, and even years, after their exchange, and the inciting of slaves to insurrection.

Had no other articles upon the mode of prosecuting the war than those been published by the Government of the United States, Order No. 100 would have been regarded as a solemn rebuke by the compilers of its code to those military authorities by whom and to whom it is addressed of their conduct and practices during this war. The assertion of dogmas of another class become, therefore, necessary to afford some sort of an apology for this conduct and these practices.

I proceed to state these, that the two contradictory and opposed systems of what are designated as instructions, and what are selected as established rules and usages of war, may be confronted. "Military necessity," says Order No. 100, "admits of all direct destruction of life and limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile Government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of appropriation of whatever an enemy's country affords for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith, positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist." "War is not carried on by arms alone. It is lawful to starve the hostile belligerents, armed or unarmed, so that it leads to the speedier subjection of the enemy." "Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that non-combatants, and especially the women and children, may be removed before the bombardment commences; but it

is no infraction of the law of war to omit thus to inform the enemy. Surprise may be a necessity."

These selections from the code will sufficiently discriminate the two classes of doctrine and the opposing systems that our enemies have presented in the same instructions. The war that the United States is carrying on against the Confederate States is a war opposed to the fundamental principle of their own Constitution. The overthrow of the principle of self-government, as recognized in the Declaration of Independence, and as embodied in the State and Federal Constitution of the States composing the Federal Union, which existed until 1860, is the principle which lies at the foundation of the military operations of the Federal Government. The subjugation of the Confederate States is the illegitimate object they propose to accomplish by the war.

To accomplish it they have established a military despotism upon the ruins of the Constitution of the United States and have adopted a barbarous system of warfare on the pretext of a military necessity. It is in this code of military necessity that the acts of atrocity and violence which have been committed by the officers of the United States and have shocked the moral sense of civilized nations are to find an apology and defense.

The history of this war exhibits frequently the murder in cold blood of unarmed and unresisting citizens; the destruction of small towns and villages as a pastime; the removal to distant places of a large number of citizens who at no time have been engaged with the army; the spoliation of farm-houses of their food, furniture, libraries, pictures, and family apparel by soldiers and in some cases by officers highest in command in the department. Men, women, and children have been expelled from their homes in the inclement weather of winter or in the darkness of night. It is shockingly true that our enemy does not carry on war alone by arms. It is not true that any military necessity excuses systematic and habitual departure from the laws of war first enunciated and justifies the adoption of rules contrary to them to regulate military operations. Military necessity as a legislator has a supreme authority; but the range of its jurisdiction is limited. The necessity must be present, urgent, and overruling, and the acts done under it must afford probable means of escape from an impending danger.

In such a case ordinary rules are suspended and what is fairly and reasonably done is sanctioned. Even justice and right in such cases withdraw their censorship and sway and submit temporarily to this more imperious authority; but no country, no government, is justified in deducing a rule of practice from rare and extreme instances of inexorable or unreasoning necessity. The judgment and conscience are alike perplexed in forming conclusions when measures of violence under such prompting are prescribed for their consideration, and the historian and publicist content themselves with narrating the facts and suggesting the extenuating circumstances in such occurrences without venturing to afford them countenance or approval.

The rulers or commanders who use them as precedents and indicate to their subordinates that there is some law of military necessity which it is competent for them to adopt as an habitual standard of conduct become *particeps criminis* in the atrocities that may follow and are worthy of the same degree of infamy and punishment. They cannot frame mischief into a code or make an instituted system of rules embodying the spirit of mischief under the name of a military necessity. The country that adopts as allies murder, rapine, cruelty, incendiarism, and revenge is condemned by the voice of the civilized world.

The war that needs such auxiliaries carries infallible marks to distinguish it as an unholy and unchristian war.

The answer to these doctrines of military necessity is to be found in that title of the same code which relates to the subject of retaliation. It is not at all surprising that those who would make a law-giver of military necessity should desire the abduction or dethronement of the rule of military retaliation, and so in this code retaliation is deprecated. A malignant, unscrupulous, revengeful enemy "leaves to his opponent no other means of securing himself against the repetition of barbarous outrage than is afforded by retaliation." The Confederacy acknowledges the obligation to employ retaliation carefully and with circumspection. The infliction of merited punishment upon notorious offenders against law and humanity should always be characterized by a judicial moderation and temperance. It should not be employed as an instrument of cruelty or revenge, and should not be carried any further than to produce a thorough reformation of the offending nation.

To this extent the Confederate States have asserted their determination to resort to it. In the military orders of this Department, bearing date August 1, 1862, the military orders of General Pope, commanding the Army of the United States in Northern Virginia, were reviewed, and the mode and measure of redress, which practices of a similar nature would provoke, plainly declared.

Again, on December 24, 1862, the President of the Confederate States published his proclamation in reference to the military administration of Maj. Gen. B. F. Butler. These public and authoritative expositions by the Confederate States of the laws and usages of war may be referred to as indicative of their temper and disposition that any practice on these institutes concerning necessity will incite.

The authorities who have issued Order No. 100 affect to be governed in the prosecution of this war by laws not prescribed by themselves, nor the offspring of their interest or passions, but which are derived from the usages of civilized nations, and have the sanction of the judgments of enlightened publicists. Nor do they openly contest the claim of the Confederate States to the full benefit of those laws.

The employment of a servile insurrection as an instrument of war is contrary to the usages of civilized nations, and the United States, under the counsel that prevailed in the better days of the Republic, would have regarded an attempt of the kind as dishonoring to the State or people who might be guilty of adopting it.

Since the existence of American Independence every one of its States recognized negro slavery as a legal relation within its limits, and its commercial population participated in the profits of the African slave-trade under the laws of the Union after the commencement of the present century. The ratio upon which representation in one of the branches of their Congress, and their direct taxes are apportioned, is settled with reference to the existence of a population of bondsmen within the limits of the Union.

The highest judicial tribunal has determined that slavery and the slave trade are not contrary to the law of nations, and that the voluntary removal of slaves to a State where slavery does not exist does not prevent the renewal of the relation of master and slave on their return to the State of their domicile.

The diplomatic correspondence, the solemn treaties of the United States, show reclamations for the value of escaping slaves and of slaves abducted by a military force in time of war, and the recognition of that claim by the foreign nation. At this moment the Constitution and

laws of the United States contain provisions for the return of fugitive slaves from one State to another. The principle of *postliminium* does not rest upon any fiction, nor is it any exceptional rule existing in the international law. The municipal laws of one State have no more authority or recognition within the limits of another than it is consistent with the law or policy of the latter to permit.

In those States in which slavery is prohibited the claim of the foreign master for the services or the custody of his slave whom he has imported is not recognized or enforced during his sojourn, and the slave may appeal to the civil tribunals for protection in case the attempt to maintain it is made; but the law of the State of the temporary domicile or sojourn is not recognized or enforced in the State to which the master and slave belong and the claim of the master will be upheld on his return. This proposition is exceedingly clear, and the most eminent jurists of the United States and Great Britain have sanctioned it and the texts of the Roman Pandects are consonant to it: "*Si vero servus transfugerit ad hostes; quoniam et cum casu captus est, dominus in eo postliminium habet.*" The articles of the code on this subject are a specimen of pedantic impertinence without a parallel. The enlistment of negro slaves as a part of the Army of the United States cannot be regarded as having any object but one. It is a part of the system of the United States Government to subvert by violence the social system and domestic relations of the negro slaves in the Confederacy and to add to the calamities of the war a servile insurrection. The savage passions and brutal appetites of a barbarous race are to be stimulated into fierce activity.

Such a war involves necessarily the abandonment of all rules, conventions, mitigating influences, and humanizing usages. The enemy who adopts such auxiliaries proclaims in advance his desire as well as design that the war shall be one for mutual extermination. The Congress of the Confederate States at their last session adopted resolutions which have the force of laws in the Confederate States. They are the only reply that the Department has to make to the articles of the code and the practice of the United States on this subject.

The articles of Military Order No. 100 upon the subject of the exchange or parole of prisoners require a passing notice. The persons to be considered as prisoners of war, those to be released as non-combatants, and the terms on which the former should be exchanged, may be regulated by cartels agreed upon by the belligerents, or in the absence of such agreements on the usages of war and the particular instructions given to the commander of the capturing force by his government. The law of nations authorize the dismissal of prisoners on their parole under promise not to carry arms for a certain time or during the continuance of the war. They affirm that a commander may make engagements with the enemy to this effect; but such engagements have their limits; the limits suggested are that he cannot undertake that his troops shall never bear arms again against the enemy, though he may engage that they shall not do so during the existing war, because the enemy may so long detain them in captivity. It is obviously proper that the possession of the prisoner should be complete, *jure victoriæ*, by the conqueror and the *spes recuperandi* frustrated. Hence the paroling of prisoners on the battle-field before the contest is ended is inoperative and void. But this Department does not consent to the claim of the United States to determine when or under what circumstances the parole of a prisoner may take place. They may punish their soldiers for giving a parole or accepting a

release contrary to or in the absence of their regulations; but the contract of parole being recognized as one lawful between the captor and the prisoner by the law of war, the government of the prisoner is bound to respect a fair and reasonable contract under which the prisoner has been released.

In the Regulations of the Army of the United States, revised by General Scott in 1825, the following institutes on that subject will be found:

(Extract from General Regulations for the Army of the United States, revised by Major-General Scott, 1825. * * *)

Paragraph 715, page 141. The officers among the prisoners will not, in general, be confined with the other prisoners. The general-in-chief, or the commander of a department, may, according to instructions and the deportment of the officers, give them permission to repair, without escort, to such places and by such routes as may be designated, taking from each his parole in writing, binding him to act accordingly.

Paragraph 716, page 141. Every such officer who violates his parole, by departing from the route prescribed or the limits assigned him, or who, being permitted to return to his own country, shall serve against the United States or their allies, before exchanged, or in violation of his parole given, every such officer being retaken shall, at least, be put and kept in irons, and may be otherwise punished, according to the particular circumstances of the case, the instructions of the Government, and the usages of war.

N. B.—General Scott in Mexico, especially at Puebla, paroled large numbers of Mexican soldiers without cartel or concert with the enemy. * * * The fact is stated in the title of Military Order No. 100 that it was proposed by a German professor, an alien by nativity to the Constitution, laws, and institutions of the United States. The intrinsic evidence furnished by the order itself shows that it is the handicraft of one much more familiar with the decrees of the imperial despotisms of the continent of Europe than with Magna Charta, the Petition of Right, the Bill of Right, the Declaration of Independence, and the Constitution of the United States.

The words war-traitor, war-rebel, are not words of an American vocabulary. Treason is defined in the Constitution of the United States; the evidence by which it is to be proved is described, and the judicial tribunals for the arraignment and trial of the traitor are established and determined by that instrument in words so plain that he that runs may read. The Constitution of the Confederate States contains the same provisions. It is exceedingly clear that martial law and military commissions can have no jurisdiction over one from whom allegiance is claimed because he is a traitor to the obligations that relation imposes. Imperial or military despots on the continent of Europe have employed commissions composed of military subordinates to accomplish their State policy, or gratify their revenge, but the faithful historian has recorded the reproving judgment of mankind upon the injustice of the procedure.

The Confederate States will perform another duty to the cause of American liberty by resisting to a bloody issue the employment of any such methods by our enemies in the course of this war in respect to any citizen of the Confederate States, either within or without the lines of the enemy, as a war-rebel or war-traitor, as defined by this order.

The most prominent of the matters treated of in Order No. 100 have been noticed. There are other articles that are objectionable, and that disclose the unrelenting and vindictive spirit with which our enemies prosecute the odious purpose which they have proposed to themselves to accomplish. The accomplishment of that purpose would be the

overthrow of their own institutions, as well as of our own. The events of the war have sufficiently shown that our object has been to bring it to a conclusion, without impairing or weakening the institutions or principles that have come to us from our ancestors. We have not prosecuted war as an instrument of massacre or confusion, but in the maintenance of rights which were achieved for us by the expenditure of blood and treasure, and for which our fathers endured suffering and privations.

We have always been ready to frame conventions to mitigate its calamities, and to render a speedy and permanent peace attainable. We shall not depart from this course unless fairly justified by the great law of self-preservation, produced by a fatal necessity, created by the odious measures of our adversary.

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, June 24, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have the honor to inclose to you three papers,* marked A, B, and C, respectively. Paper A is the Federal agent's inquiry respecting the recent law in relation to negro troops and their white officers. Paper marked B is my reply and C is his rejoinder. One of the alleged facts stated in the rejoinder is positively false. I refer to the statement that "negroes were delivered as prisoners of war at Aiken's Landing and receipted for and counted in exchange." It is within my own knowledge that the averment is untrue. Some body servants of officers were received there but not as prisoners of war. They were not counted in exchange. The Federal agent did not at that time even ask that they should be received "as prisoners of war" or "counted in exchange." I am not fully informed as to the other allegations made by the Federal agent. I will be happy to receive any instructions from you in relation to the whole subject-matter before I answer the communication.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Big Spring Branch, June 25, 1863.

Brig. Gen. R. S. GRANGER, *Nashville, Tenn.:*

GENERAL: The general commanding directs me in reply to your letter in reference to Major Jones, C. S. Army, to say that permission was given him to go South on his parole of honor with a view to effecting his exchange on account of reports which have reached the general commanding of his humanity to our wounded prisoners after the affair of Thompson's Station. Since this permission was granted general orders have been issued from the War Department prohibiting exchanges of officers on account of a similar measure adopted by the Confederate authorities denying exchanges to officers in their hands.

* See Ludlow to Ould, June 3, Vol. V, this series, p. 737; Ould to Ludlow, June 12, and Ludlow to Ould, June 14, pp. 11, 17, *ante*.

The general commanding is therefore obliged to revoke the permission given Major Jones, and directs you to consider him a prisoner of war and to furnish him a copy of this letter.

Very respectfully, your obedient servant,

C. GODDARD,
Lieutenant-Colonel and Assistant Adjutant-General.

WASHINGTON, *June 26, 1863.*

His Excellency the PRESIDENT OF THE UNITED STATES:

The undersigned, having been appointed a committee under the authority of the resolutions of the State convention held at the city of Columbus, Ohio, on the 11th instant, to communicate with you on the subject of the arrest and banishment of Clement L. Vallandigham, most respectfully submit the following as the resolutions of the convention bearing upon the subject of this communication, and ask of Your Excellency their earnest consideration. And they deem it proper to state that the convention was one in which all parts of the State were represented, one of the most respectable as to numbers and character and one of the most earnest and sincere in support of the Constitution and the Union ever held in this State:

Resolved, That the will of the people is the foundation of all free government; that to give effect to this free will, free thought, free speech, and a free press are absolutely indispensable. Without free discussion there is no certainty of sound judgment; without sound judgment there can be no wise government.

2. That it is an inherent and constitutional right of the people to discuss all measures of the Government, and to approve or disapprove as to their best judgment seems right. That they have a like right to propose and advocate that policy which in their judgment is best, and to argue and vote against whatever policy seems to them to violate the Constitution, to impair their liberties, or to be detrimental to their welfare.

3. That these and all other rights guaranteed to them by their constitutions are their rights in time of war as well as in time of peace, and of far more value and necessity in war than in peace, for in peace liberty, security, and property are seldom endangered. In war they are ever in peril.

4. That we now say to all whom it may concern, not by way of a threat, but calmly and firmly, that we will not surrender these rights nor submit to their forcible violation. We will obey the laws ourselves and all others must obey them.

11. That Ohio will adhere to the Constitution and the Union as the best—it may be the last—hope of popular freedom, and for all wrongs which may have been committed or evils which may exist will seek redress under the Constitution and within the Union by the peaceful but powerful agency of the suffrages of a free people.

14. That we will earnestly support every constitutional measure tending to preserve the union of the States. No men have a greater interest in its preservation than we have; none desire it more; there are none who will make greater sacrifices or will endure more than we will to accomplish that end. We are as we have ever been the devoted friends of the Constitution and the Union and we have no sympathy with the enemies of either.

15. That the arrest, imprisonment, pretended trial, and actual banishment of Clement L. Vallandigham, a citizen of the State of Ohio, not belonging to the land or naval forces of the United States nor to the militia in actual service, by alleged military authority, for no other pretended crime than that of uttering words of legitimate criticism upon the conduct of the Administration in power and of appealing to the ballot box for a change of policy—said arrest and military trial taking place where the courts of law are open and unobstructed, and for no act done within the sphere of active military operations in carrying on the war—we regard as a palpable violation of the following provisions of the Constitution of the United States:

1. "Congress shall make no law abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

3. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

4. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

And we furthermore denounce said arrest, trial, and banishment as a direct insult offered to the sovereignty of the State of Ohio, by whose organic law it is declared that no person shall be transported out of the State for any offense committed within the same.

16. That Clement L. Vallandigham was at the time of his arrest a prominent candidate for nomination by the Democratic party of Ohio for the office of Governor of the State; that the Democratic party was fully competent to decide whether he is a fit man for that nomination, and that the attempt to deprive them of that right by his arrest and banishment was an unmerited imputation upon their intelligence and loyalty, as well as a violation of the Constitution.

17. That we respectfully, but most earnestly, call upon the President of the United States to restore Clement L. Vallandigham to his home in Ohio, and that a committee of one from each Congressional district of the State, to be selected by the presiding officer of this convention, is hereby appointed to present this application to the President.

The undersigned, in the discharge of the duty assigned them, do not think it necessary to reiterate the facts connected with the arrest, trial, and banishment of Mr. Vallandigham—they are well-known to the President and are of public history—nor to enlarge upon the positions taken by the convention, nor to recapitulate the constitutional provisions which it is believed have been contravened; they have been stated at length and with clearness in the resolutions which have been recited. The undersigned content themselves with brief reference to the other suggestions pertinent to the subject.

They do not call upon Your Excellency as suppliants, praying the revocation of the order banishing Mr. Vallandigham as a favor, but, by the authority of a convention representing a majority of the citizens of the State of Ohio, they respectfully ask it as a right due to an American citizen, in whose personal injury the sovereignty and dignity of the people of Ohio as a free State have been offended. And this duty they perform more cordially from the consideration that at a time of great national emergency, pregnant with danger to our Federal Union, it is all important that the friends of the Constitution and the Union, however they may differ as to the mode of administering the Government and the measures most likely to be successful in the maintenance of the Constitution and the restoration of the Union, should not be thrown into conflict with each other.

The arrest, unusual trial, and banishment of Mr. Vallandigham have created widespread and alarming disaffection among the people of the State, not only endangering the harmony of the friends of the Constitution and the Union and tending to disturb the peace and tranquillity of the State, but also impairing that confidence in the fidelity of your Administration to the great landmarks of free government essential to a peaceful and successful enforcement of the laws in Ohio.

You are reported to have used, in a public communication on this subject, the following language:

> It gave me pain when I learned that Mr. Vallandigham had been arrested; that is, I was pained that there should have seemed to be a necessity for arresting him, and that it will afford me great pleasure to discharge him so soon as I can by any means believe the public safety will not suffer.

The undersigned assure Your Excellency from our own personal knowledge of the feelings of the people of Ohio that the public safety

will be far more endangered by continuing Mr. Vallandigham in exile than by releasing him. It may be true that persons differing from him in political views may be found in Ohio and elsewhere who will express a different opinion. But they are certainly mistaken. Mr. Vallandigham may differ with the President, and even with some of his own political party, as to the true and most effectual means of maintaining the Constitution and restoring the Union, but this difference of opinion does not prove him to be unfaithful to his duties as an American citizen. If a man, devotedly attached to the Constitution and the Union, conscientiously believes that from the inherent nature of the Federal compact the war in the present condition of things in this country cannot be used as a means of restoring the Union, or that a war to subjugate a part of the States, or a war to revolutionize the social system in a part of the States could not restore but would inevitably result in the final destruction of both the Constitution and the Union, is he not to be allowed the right of an American citizen to appeal to the judgment of the people for a change of policy by the constitutional remedy of the ballot box?

During the war with Mexico many of the political opponents of the Administration then in power thought it their duty to oppose and denounce the war and to urge before the people of the country that it was unjust and prosecuted for unholy purposes. With equal reason it might have been said of them that their discussions before the people were calculated to discourage enlistments, "to prevent the raising of troops," and to induce desertions from the Army and to leave the Government without an adequate military force to carry on the war.

If the freedom of speech and of the press are to be suspended in time of war, then the essential element of popular government to effect a change of policy in the constitutional mode is at an end. The freedom of speech and of the press is indispensable and necessarily incident to the nature of popular government itself. If any inconvenience or evils arise from its exercise they are unavoidable. On this subject you are reported to have said further:

> It is asserted, in substance, that Mr. Vallandigham was by a military commander seized and tried "for no other reasons than words addressed to a public meeting in criticism of the course of the Administration and in condemnation of the military order of the general." Now, if there be no mistake about this, if there was no other reason for the arrest, then I concede that the arrest was wrong; but the arrest, I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union, and his arrest was made because he was laboring with some effect to prevent the raising of troops, to encourage desertions from the Army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the Administration or the personal interests of the commanding general, but because he was damaging the Army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of facts, which I would be glad to correct on reasonable satisfactory evidence.

In answer to this, permit us to say, first, that neither the charge nor the specifications in support of the charge on which Mr. Vallandigham was tried impute to him the act of either laboring to prevent the raising of troops or to encourage desertions from the Army; secondly, no evidence on the trial was offered with a view to support any such charge. In what instance and by what act did he either discourage enlistments or encourage desertions in the Army? Who was the man who was discouraged from enlisting and who encouraged to desert by any act of Mr. Vallandigham? If it be assumed that perchance some

person might have been discouraged from enlisting, or that some person might have been encouraged to desert on account of hearing Mr. Vallandigham's views as to the policy of the war as a means of restoring the Union, would that have laid the foundation for his conviction and banishment? If so, upon the same grounds every political opponent of the Mexican war might have been convicted and banished from the country.

When gentlemen of high standing and extensive influence, including Your Excellency, opposed in the discussions before the people the policy of the Mexican war, were they "warring upon the military," and did this "give the military constitutional jurisdiction to lay hands upon" them? And, finally, the charge in the specifications upon which Mr. Vallandigham was tried entitled him to a trial before the civil tribunals, according to the express provisions of the late acts of Congress, approved by yourself July 17, 1862, and March 3, 1863, which were manifestly designed to supersede all necessity or pretext for arbitrary military arrests.

The undersigned are unable to agree with you in the opinion you have expressed that the Constitution is different in time of insurrection or invasion from what it is in time of peace and public security. The Constitution provides for no limitation upon or exceptions to the guarantees of personal liberty, except as to the writ of habeas corpus. Has the President at the time of invasion or insurrection the right to ingraft limitations or exceptions upon these constitutional guarantees whenever, in his judgment, the public safety requires it?

True it is, the article of the Constitution which defines the various powers delegated to Congress declares that "the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety requires it." But this qualification or limitation upon this restriction upon the powers of Congress has no reference to or connection with the other constitutional guarantees of personal liberty. Expunge from the Constitution this limitation upon the power of Congress to suspend the writ of habeas corpus, and yet the other guarantees of personal liberty would remain unchanged.

Although a man might not have a constitutional right to have an immediate investigation made as to the legality of his arrest upon habeas corpus, yet his "right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed" will not be altered; neither will his right to the exemption from "cruel and unusual punishment;" nor his right to be secure in his person, houses, papers, and effects against unreasonable seizures and searches; nor his right not to be deprived of life, liberty, or property without due process of law; nor his right not to be held to answer for a capital or otherwise infamous offense unless on presentment or indictment of a grand jury, be in anywise changed.

And certainly the restriction upon the power of Congress to suspend the writ of habeas corpus in time of insurrection or invasion could not affect the guarantee that the freedom of speech and of the press shall be abridged. It is sometimes urged that the proceedings in the civil tribunals are too tardy and ineffective for cases arising in times of insurrection or invasion. It is a full reply to this to say that arrests by civil process may be equally as expeditious and effective as arrests by military orders.

True, a summary trial and punishment are not allowed in the civil courts, but if the offender be under arrest and imprisoned and not entitled to a discharge on writ of habeas corpus before trial, what more

can be required for the purposes of the Government? The idea that all the constitutional guarantees of personal liberty are suspended throughout the country at a time of insurrection or invasion in any part of it places us upon a sea of uncertainty, and subjects the life, liberty, and property of every citizen to the mere will of a military commander or what he may say that he considers the public safety requires. Does Your Excellency wish to have it understood that you hold that the rights of every man throughout this vast country are subject to be annulled whenever you may say that you consider the public safety requires it, in time of invasion or insurrection?

You are further reported as having said that the constitutional guarantees of personal liberty have—

> No application to the present case we have in hand, because the arrests complained of were not made for treason—that is, not for the treason defined in the Constitution, and upon the conviction of which the punishment is death—nor yet were they made to hold persons to answer for capital or otherwise infamous crimes—nor were the proceedings following in any constitutional or legal sense "criminal prosecutions." The arrests were made on totally different grounds and the proceedings following accorded with the grounds of the arrests, &c.

The conclusion to be drawn from this position of Your Excellency is that where a man is liable to "a criminal prosecution" or is charged with a crime known to the laws of the land he is clothed with all the constitutional guarantees for his safety and security from wrong and injustice, but that where he is not liable to "a criminal prosecution" or charged with any crime known to the laws if the President or any military commander shall say that he considers that the public safety requires it this man may be put outside of the pale of the constitutional guarantees and arrested without charge of crime, imprisoned without knowing what for and any length of time, or be tried before a court-martial and sentenced to any kind of punishment unknown to the laws of the land which the President or the military commander may see proper to impose. Did the Constitution intend to throw the shield of its securities around the man liable to be charged with treason as defined by it and yet leave the man not liable to any such charge unprotected by the safeguards of personal liberty and personal security? Can a man not in the military or naval service nor within the field of the operations of the army be arrested and imprisoned without any law of the land to authorize it? Can a man thus in civil life be punished without any law defining the offense and describing the punishment? If the President or a court-martial may prescribe one kind of punishment unauthorized by law, why not any other kind? Banishment is an unusual punishment and unknown to our laws. If the President has the right to prescribe the punishment of banishment, why not that of death and confiscation of property? If the President has the right to change the punishment prescribed by the court-martial from imprisonment to banishment, why not from imprisonment to torture upon the rack or execution upon the gibbet?

If an indefinable kind of constructive treason is to be introduced and ingrafted upon the Constitution unknown to the laws of the land and subject to the will of the President whenever an insurrection or an invasion shall occur in any part of this vast country, what safety or security will be left for the liberties of the people?

The constructive treasons that gave the friends of freedom so many years of toil and trouble in England were inconsiderable compared to this. The precedents which you make will become a part of the Constitution for your successors if sanctioned and acquiesced in by the people now.

The people of Ohio are willing to co-operate zealously with you in every effort warranted by the Constitution to restore the union of the States but they cannot consent to abandon those fundamental principles of civil liberty which are essential to their existence as a free people.

In their name we ask that by a revocation of the order of his banishment Mr. Vallandigham may be restored to the enjoyment of those rights of which they believe he has been unconstitutionally deprived.

We have the honor to be respectfully, yours, &c.,

M. BIRCHARD, *Chairman, 19th Dist.*
DAVID A. HOUK, *Secretary, 3d Dist.*
GEO. BLISS, *14th Dist.*
T. W. BARTLEY, *8th Dist.*
W. J. GORDON, *18th Dist.*
JOHN O'NEILL, *13th Dist.*
C. A. WHITE, *6th Dist.*
W. E. FINCK, *12th Dist.*
ALEXANDER LONG, *2d Dist.*
J. W. WHITE, *16th Dist.*
JAS. R. MORRIS, *15th Dist.*
GEO. L. CONVERSE, *7th Dist.*
WARREN P. NOBLE, *9th Dist.*
GEO. H. PENDLETON, *1st Dist.*
W. A. HUTCHINS, *11th Dist.*
ABNER L. BACKUS, *10th Dist.*
J. F. McKINNEY, *4th Dist.*
F. C. LE BLOND, *5th Dist.*
LOUIS SHAEFER, *17th Dist.*

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 26, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have just received yours of the 24th instant. The rolls of paroled men at Camp Chase cannot be used in exchange in the way you propose. They may, however, be otherwise of service. The best mode of correcting the evil of occasionally overcrowding Fort Norfolk with prisoners of war, who have been detained here for want of transportation to City Point, is to have orders issued not to send any prisoners of war here for exchange, from Baltimore or other places, without previous notice having been given, and an opportunity afforded of stopping their coming, unless the prisoners come on transports, which can proceed directly to City Point. To send to Fort Delaware, as you propose, any occasional excess would require the same amount of transportation which would take them to City Point. We have no proper place to confine prisoners of war, in any large number, in this department.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange.

CAMP GROCE, TEXAS, *June 26, 1863.*

Lieut. Col. RICHARD B. IRWIN,
Asst. Adjt. Gen., Department of the Gulf, New Orleans, La.:

SIR: I have the honor herewith to transmit the names and rank of the officers, non-commissioned officers, and privates held as prisoners of

war in the State of Texas.* Many of them have been prisoners since the 1st day of January last, taken at the fall of Galveston, and they fear that they have been overlooked, possibly forgotten by the Government, as they have seen many Confederate officers and soldiers that have been either paroled or exchanged, returned to their homes, but as yet no intimation has been received here as to the action the United States Government has taken, if any, in reference to the prisoners of war confined in this State. We respectfully request your kind interference, that we may be liberated at as early a date as possible.

It may be improper to address this communication to you, sir, but we are certain that you will interest yourself in this matter and call the attention of the proper officers to the fact that a number of your officers and soldiers are prisoners in this State and anxious to be exchanged and returned to their respective commands. In the list I place Surg. A. J. Cummings' name, but he is not held as prisoner of war, yet he is with us at present very unwell and not able to travel, but will probably start for our lines as soon as he recovers his health.

I am, sir, very respectfully, your obedient servant,

JOHN ROBERTS,
First Lieutenant, One hundred and seventy-fifth New York Vols.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
Vermillion, La., October 11, 1863.

Respectfully referred to the War Department with an earnest request that immediate attention may be given to the exchange of these men, who are suffering greatly.

N. P. BANKS,
Major-General, Commanding.

[Second indorsement.]

NOVEMBER 2, 1863.

One of the first steps in the embarrassments connected with the subject of exchange occurred at or near Galveston, to wit, the sale by the rebels of two colored lads taken prisoners with Massachusetts troops. The effect of that step on the part of the rebels has extended everywhere equally, not particularly to the prisoners in Texas, who have not been overlooked. The prisoners in Texas probably suffer less than those in Richmond, both on account of the mildness of the climate and greater abundance of provisions.

E. A. HITCHCOCK,
Major-General Vols., Commissioner for Exchange of Prisoners.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., June 27, 1863.

Maj. Gen. S. P. HEINTZELMAN,
Commanding Department of Washington:

SIR: Referring to the communication of Brigadier-General Slough respecting the disposition of disloyal residents of Alexandria, the Secretary of War directs that you cause the persons named in the list presented by Brigadier-General Slough (adding to this list any others of the same character who may have been omitted) to be sent by boat

* List (here omitted) contains the names of 29 officers, 17 soldiers, and 86 sailors.

to Old Point Comfort to be turned over to Major-General Dix for delivery at City Point, the individuals sent having the privilege of taking their families with them, with a reasonable amount of baggage. In carrying out these instructions be pleased to furnish General Dix with a list of the persons and their families.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 27, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: The Confederate authorities have been informed that Maj. John P. Thompson, duly authorized by the Secretary of War of the Confederate States to raise a battalion in the State of Kentucky, has been arrested in Owensborough, Ky., and sentenced to be shot. Will you please make the proper inquiries and ascertain if such information is correct, and also what has been done with Major Thompson?

In connection with his case I again call your attention to the remonstrances I have already addressed to you in relation to the condemnation and execution of our officers and soldiers upon the charge of recruiting within what you call your lines or upon the pretense of their being spies. I have already communicated to you the purpose of the Confederate Government respecting such cases. Our authorities are so fully satisfied of the justice of the positions taken by them in this matter that in no instance will they swerve from them.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[JUNE 27, 1863.—For the Confederate naval descent on the coast of Maine and the capture of the party which had taken and burned the U. S. revenue cutter Caleb Cushing in Portland Harbor, see Series I, Vol. XXVII, Part II, pp. 801–803, and Part III, same volume, pp. 368, 369.]

[JUNE 28, 1863.—For Dix to Halleck, reporting capture of General W. H. F. Lee, see Series I, Vol. XXVII, Part II, p. 794.]

FORT MONROE, *June 28, 1863.*

Lieutenant-Colonel SIBLEY, *Deputy Quartermaster-General:*

A large [number] of prisoners of war for delivery at City Point have been here for a week awaiting transportation. The regular flag-of-truce boat New York, which should be here, by some mistake was ordered from Baltimore to Annapolis. The steamer Monitor loaded with prisoners of war for City Point is in this harbor broken down. Can you not order the New York here, or Georgiana from Baltimore? There is not a steamer here to use for this service.

WM. H. LUDLOW,
Lieutenant-Colonel, &c.

WASHINGTON, *June 29, 1863.*

Messrs. M. BIRCHARD [and others]:*

GENTLEMEN: The resolutions of the Ohio Democratic State convention which you present me together with your introductory and closing remarks, being in position and argument mainly the same as the resolutions of the Democratic meeting at Albany, N. Y., I refer you to my response † to the latter as meeting most of the points in the former.

This response you evidently used in preparing your remarks and I desire no more than that it be used with accuracy. In a single reading of your remarks I only discovered one inaccuracy in matter which I suppose you took from that paper. It is where you say the undersigned are unable to agree with you in the opinion you have expressed that the Constitution is different in time of insurrection or invasion from what it is in time of peace and public security.

A recurrence to the paper will show you that I have not expressed the opinion you suppose. I expressed the opinion that the Constitution is different in its application in cases of rebellion or invasion involving the public safety from what it is in times of profound peace and public security; and this opinion I adhere to simply because by the Constitution itself things may be done in the one case which may not be done in the other.

I dislike to waste a word on a mere personal point, but I must respectfully assure you that you will find yourselves at fault should you ever seek for evidence to prove your assumption that I "opposed in discussions before the people the policy of the Mexican war."

You say, "Expunge from the Constitution this limitation upon the power of Congress to suspend the writ of habeas corpus and yet the other guarantees of personal liberty would remain unchanged." Doubtless if this clause of the Constitution, improperly called, as I think, a limitation upon the power of Congress, were expunged, the other guarantees would remain the same; but the question is not how those guarantees would stand with that clause out of the Constitution, but how they stand with that clause remaining in it in case of rebellion or invasion involving the public safety. If the liberty could be indulged of expunging that clause, letter and spirit, I really think the constitutional argument would be with you.

My general view of this question was stated in the Albany response, and hence I do not state it now. I only add that, it seems to me, the benefit of the writ of habeas corpus is the great means through which the guarantees of personal liberty are conserved and made available in the last resort; and corroborative of this view is the fact that Mr. Vallandigham, in the very case in question, under the advice of able lawyers, saw not where else to go but to the habeas corpus. But by the Constitution the benefit of the writ of habeas corpus itself may be suspended when, in case of rebellion or invasion, the public safety may require it.

You ask, in substance, whether I really claim that I may override all the guaranteed rights of individuals, on the plea of conserving the public safety, when I may choose to say the public safety requires it? This question, divested of the phraseology calculated to represent me as struggling for an arbitrary personal prerogative, is either simply a question who shall decide or an affirmation that nobody shall decide what the public safety does require in cases of rebellion or invasion. The

* See signatures to the letter of the 26th to the President, p. 48. Those names were all included in this address.

† For Lincoln to Corning and others see p. 4.

Constitution contemplates the question as likely to occur for decision, but it does not expressly declare who is to decide it. By necessary implication, when rebellion or invasion comes, the decision is to be made from time to time; I think the man whom for the time the people have under the Constitution made the Commander-in-Chief of the Army and Navy is the man who holds the power and bears the responsibility of making it. If he uses the power justly, the same people will probably justify him; if he abuses it, he is in their hands to be dealt with by all the modes they have reserved to themselves in the Constitution.

The earnestness with which you insist that persons can only in times of rebellion be lawfully dealt with in accordance with the rules for criminal trials and punishments in times of peace induces me to add a word to what I said on that point in the Albany response. You claim that men may, if they choose, embarrass those whose duty it is to combat a gigantic rebellion, and then be dealt with only in turn as if there were no rebellion. The Constitution itself rejects this view. The military arrests and detentions which have been made, including those of Mr. Vallandigham, which are not different in principle from the other, have been for prevention and not for punishment as injunction to stay injury, as proceedings to keep the peace; and hence like proceedings in such cases, and for like reasons, they have not been accompanied with indictments or trials by juries, nor in a single case by any punishment whatever beyond what is purely incidental to the prevention. The original sentence of imprisonment in Mr. Vallandigham's case was to prevent injury to the military service only, and the modification of it was made as a less disagreeable mode to him of securing the same prevention.

I am unable to perceive an insult to Ohio in the case of Mr. Vallandigham. Quite surely nothing of this sort was or is intended. I was wholly unaware that Mr. Vallandigham was at the time of his arrest a candidate for the Democratic nomination for governor until so informed by your reading to me the resolutions of the convention. I am grateful to the State of Ohio for many things, especially for the brave soldiers and officers she has given in the present national trial to the armies of the Union.

You claim, as I understand, that according to my own position in the Albany response, Mr. Vallandigham should be released, and this because, as you claim, he has not damaged the military service by discouraging enlistments, encouraging desertions, or otherwise, and that if he had he should be turned over to the civil authorities under the recent acts of Congress. I certainly do not know that Mr. Vallandigham has specifically and by direct language advised against enlistments and in favor of desertion and resistance to drafting. We all know that combinations (armed in some instances) to resist the arrest of deserters began several months ago; that more recently the like has appeared in resistance to the enrollment preparatory to a draft, and that quite a number of assassinations have occurred from the same animus. These had to be met by military force, and this again has led to bloodshed and death. And now, under a sense of responsibility more weighty and enduring than any which is merely official, I solemnly declare my belief that this hindrance of the military, including maiming and murder, is due to the course in which Mr. Vallandigham has been engaged in a greater degree than to any other cause, and it is due to him personally in a greater degree than to any other man.

These things have been notorious, known to all, and of course known to Mr. Vallandigham. Perhaps I would not be wrong to say that they

originated with his especial friends and adherents. With perfect knowledge of them he has frequently, if not constantly, made speeches in Congress and before popular assemblies, and if it can be shown that, with these things staring him in the face, he has ever uttered a word of rebuke or counsel against them, it will be a fact greatly in his favor with me, and one of which as yet I am totally ignorant. When it is known that the whole burden of his speeches has been to stir up men against the prosecution of the war, and that in the midst of resistance to it he has not been known in any instance to counsel against such resistance, it is next to impossible to repel the inference that he has counseled directly in favor of it.

With all this before their eyes, the convention you represent have nominated Mr. Vallandigham for governor of Ohio, and both they and you have declared the purpose to sustain the National Union by all constitutional means. But of course they and you in common reserve to yourselves to decide what are constitutional means, and, unlike the Albany meeting, you omit to state or intimate that in your opinion an army is a constitutional means of saving the Union against a rebellion, or even to intimate that you are conscious of an existing rebellion being in progress with the avowed object of destroying that very Union. At the same time your nominee for governor, in whose behalf you appeal, is known to you and to the world to declare against the use of an army to suppress the rebellion. Your own attitude, therefore, encourages desertion, resistance to the draft, and the like, because it teaches those who are inclined to desert and to escape the draft to believe it is your purpose to protect them and to hope you will become strong enough to do so.

After a short personal intercourse with you, gentlemen of the committee, I cannot think you desire this effect to follow your attitude, but I assure you that both friends and enemies of the Union look upon it in this light. It is a substantial hope, and by consequence a real strength to the enemy. It is a false hope, and one which you would willingly dispel. I will make the way exceedingly easy. I send you duplicates of this letter, in order that you or a majority may if you choose indorse your names upon one of them and return it thus indorsed to me, with the understanding that those signing are hereby committed to the following propositions and to nothing else:

1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the National Union, and that in your opinion an army and navy are a constitutional means for suppressing the rebellion.

2. That no one of you will do anything which in his own judgment will tend to hinder the increase or favor the decrease or lessen the efficiency of the Army and Navy while engaged in the effort to suppress the rebellion; and

3. That each of you will, in his sphere, do all he can to have the officers, soldiers, and seamen of the Army and Navy, while engaged in the effort to suppress the rebellion, paid, fed, and clad and otherwise well provided for and supported.

And with the further understanding that upon receiving the letter and names thus indorsed I will cause them to be published, which publication shall be within itself a revocation of the order in relation to Mr. Vallandigham.

It will not escape observation that I consent to the release of Mr. Vallandigham upon terms not embracing any pledge from him or from others as to what he will or will not do. I do this because he is not present to speak for himself or to authorize others to speak for him; and

hence I shall expect that on returning he will not put himself practically in antagonism with his friends. But I do it chiefly because I thereby prevail on other influential gentlemen of Ohio to so define their position as to be of immense value to the Army—thus more than compensating for the consequences of any mistake in allowing Mr. Vallandigham to return, so that on the whole the public safety will not have suffered by it. Still, in regard to Mr. Vallandigham and all others, I must hereafter as heretofore do so much as the public service may seem to require.

I have the honor to be, respectfully, yours, &c.,

A. LINCOLN.

WAR DEPARTMENT, *Washington, June 29, 1863.*

Colonel LUDLOW,

Commissioner of Exchange, Fortress Monroe:

You will exert yourself to procure the release of Richardson and Browne, Tribune reporters, captured at Vicksburg. Browne's health is said to be failing. If they are held as hostages or for any special reason, ascertain and report it.

EDWIN M. STANTON.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, June 29, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

I am making every effort for release of Richardson and Browne. My first application was refused peremptorily. I have made another, the result of which I shall know and report to you on the return of the flag-of-truce boat from City Point on Thursday. They are held in retaliation for citizens arrested and held by us. This is the assigned reason. The real reason I believe to be that they are connected with the Tribune and are held to annoy.

WM. H. LUDLOW,
Lieutenant-Colonel and Agent.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 29, 1863.

Lieut. Col. W. H. LUDLOW,

Agent for Exchange of Prisoners, Fort Monroe, Va.:

COLONEL: Your letters of the 26th and 27th instant are received. I have not heretofore understood the manner of transferring prisoners of war from Fort Monroe to City Point, and I have been under the impression that the steamers which received them at Baltimore or this place took them directly to City Point after reporting to you. I believe in no case have I ordered transportation to be furnished only to Fort Monroe, and if it has been done the responsibility is on the quartermaster. I will hereafter direct that transportation be furnished to City Point, unless discharged at Fort Monroe by your order. I requested that prisoners at Fort Norfolk be sent back to Fort Delaware, supposing that the delay of delivering them grew out of other sources than a want of transportation. The steamers provided to take prisoners from Fort Delaware are to take them through to City Point.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPARTMENT, *Washington, June 29, 1863.*

Colonel DIMICK, *Fort Warren, Boston:*

If the rebel pirates taken at Portland should be sent to you for safe-keeping you will take them in charge and have them securely kept until further orders.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, *June 29, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

Three hundred and eighty men captured by Stuart have arrived at the Relay House, paroled on the river. Are such paroles regarded as binding now? I have seen a newspaper statement that the commissioners have agreed that there must be actual personal delivery by the captors at points indicated. I wait to know if I shall send these men to Annapolis.

ROBERT C. SCHENCK,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 29, 1863.

Maj. Gen. A. E. BURNSIDE,
Commanding Department of the Ohio, Cincinnati, Ohio:

GENERAL: It is difficult to keep a record of prisoners of war unless they are assembled at the camps or stations appropriated to them, and I have therefore the honor to request that all prisoners of war in your department may be assembled at Louisville, Camp Morton, Camp Butler, Camp Chase, or the Sandusky Depot, as may be found most convenient. Only officers and citizens, however, should be sent to Sandusky. It is not contemplated to detain them long at any place, and when the communication is not telegraphed enlisted men will be ordered from this office to be sent forward for delivery from time to time, as may be found advisable.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
DEFENSES SOUTH OF THE POTOMAC,
Alexandria, Va., June 29, 1863

In pursuance of an order of the War Department, you are hereby notified to appear at this office forthwith and make satisfactory proof of your loyalty to the Government of the United States of America, and failing to make such proof within forty-eight hours after receiving this notice you will be sent outside of our lines.

Persons so removed will be sent by boat to City Point. Heads of families will be allowed to take their families with them, together with a reasonable amount of personal baggage, not exceeding 100 pounds, including the trunk or package, to each grown person, and the necessary wearing apparel of the children accompanying them. They will

not be allowed to take any supplies, stores, or medicines, nor any letters, correspondence, or writings of any kind whatever.

All such persons to whom this notice is sent will without further order deliver their baggage at the dock, foot of Prince street, at 9 o'clock Monday morning, July 6, 1863, with a complete inventory of the same. All such baggage will be examined, and if contraband articles are found the entire baggage of the person attempting to take such articles out will be confiscated, and no goods will be allowed to pass unless so delivered, examined, inventoried, and approved.

They will also at or before that time send to this office a list of the members of their families who are to accompany them, with the full name and age of each person.

The parties, and the members of their families accompanying them, will report at the foot of Prince street, on Tuesday morning, July 7, at 9 o'clock. No person will be allowed to go on board excepting those so to be sent South.

By order.

H. H. WELLS,
Lieut. Col. and Prov. Mar. Gen. Defenses South of Potomac.

(Copy of the above served upon all disloyal persons in Alexandria and vicinity.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., June 29, 1863.

Surg. G. S. PALMER,
U. S. Vols., Lincoln General Hospital, Washington, D. C.:

SIR: Please hand the accompanying package to Sister Helen Ryan, one of the Sisters of Charity at your hospital, and say to her that it has not been thought proper by the War Department to permit money of the kind inclosed to be forwarded. I regret very much the necessity for disappointing her very charitable and praiseworthy efforts to alleviate to some extent the sufferings of our unfortunate friends who are lying sick and wounded in rebel hospitals, but an unavoidable State policy must be allowed to set aside the promptings of kind hearts. Please say to her that I will be very glad to forward her letters if she will omit the part in relation to the money.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel, Third Infantry and Commissary-General of Prisoners.

MILITARY PRISON, *June 29, 1863.*

PROVOST-MARSHAL-GENERAL, DEPT. OF THE MISSOURI,
Saint Louis, Mo.:

SIR: I have to report that the smallpox still prevails to a considerable extent in this prison, and will I fear continue to do so so long as it can have fresh subjects to operate upon. I have to request, therefore, as a matter of precaution, that no more prisoners be sent here for a few weeks, so that we may have an opportunity to rid the prison of this most loathsome disease.

I am, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry, U. S. Army, Commanding the Prison.

OFFICE FOR EXCHANGE OF PRISONERS,
Richmond, Va., June 29, 1863

Respectfully returned to Lieut. Col. William H. Ludlow, agent of exchange.

The inclosed list* of Federal prisoners was sent to Richmond May 25, 1863, from Raleigh, N. C., charged with "murder," with a request from Governor Vance of that State that they be retained in prison until the matter could be investigated and specific charges and a full report forwarded to this office. Should this grave charge prove to be groundless these men will nevertheless be held until the large number of our own men of the same grade now in your prisons, many of whom have been declared exchanged, are delivered to us.

Among this number are William R. Scott, chief engineer; Edward L. Platt, master's mate, and Capt. A. S. Parker, in prison at Fort Lafayette; Capt. Henry Floyd and the other officers and crew of the ferry-boat De Soto, in prison at Saint Louis, Mo.; Captain Gladding, at Hilton Head; Pilot John M. Murray, Capt. S. Adkins and many others to whom I have more than once called your attention.

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, *Washington, June 30, 1863.*

Colonel LUDLOW, *Fortress Monroe:*

The Richmond Dispatch of the 26th (Friday) of June states that eleven Yankee ladies captured at Winchester have been taken to Richmond and imprisoned in Castle Thunder. Please ascertain immediately from the authorities at Richmond whether this statement be true. This Government has just made arrangement for sending some hundreds of rebel ladies to their homes at their own request and the wives of rebel officers have lived among us without molestation. If the statement of the Dispatch be true the Government must hold rebel ladies as hostages for the Yankee ladies. Please answer early as the boat was to start from Annapolis to-morrow.

EDWIN M. STANTON.

FORT MONROE, *June 30, 1863.*

Hon. E. M. STANTON:

I will immediately ascertain from the Richmond authorities whether our women captured at Winchester have been imprisoned in Castle Thunder. An answer cannot be obtained before the 3d or 4th of July, as three days are always required for communications to and replies from Richmond by flag-of-truce boat.

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

WAR DEPARTMENT, *Washington, June 30, 1863.*

Major TURNER, *Annapolis:*

For reasons that have just been brought to the notice of this Department you will not leave Annapolis until further order and will keep

* Omitted.

the boat until you hear from me to-morrow. Acknowledge the receipt of this telegram. I have just learned that the rebels have taken some loyal women to Richmond and imprisoned them in Castle Thunder. It may become necessary to take hostages for their safe return.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 30, 1863.

Major-General SCHENCK, *Baltimore:*

If paroles have been given in accordance with the cartel and general orders, they are valid; if not, not valid. I cannot act upon any single case until I know precisely what it is. A court is investigating the cases of paroled officers who came in here.

You have all the orders and instructions in relation to paroles.

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 30, 1863.

Colonel LUDLOW, *Fort Monroe:*

The Secretary of War directs that officers captured by General Dix be not exchanged till further orders. It is reported that rebel officers in the West have disregarded the cartel.

H. W. HALLECK,
General-in-Chief.

(Copy to Colonel Hoffman, Commissary-General of Prisoners.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 30, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: The last boat which reached City Point brought up Colonel Morehead but left Lieut. James Baker still at Fort Norfolk. They were captured at the same time and were both long since declared exchanged by our agreement. What is the reason for the distinction? Why keep an officer whom you have declared exchanged in captivity almost within sound of your voice?

Frequent complaints have been made to me by our returned officers as to the treatment they received whilst confined in Fort Norfolk. As many as eighteen have been huddled together in an apartment fifteen feet square, with but little ventilation. They have been compelled to obey the calls of nature in that same room, and the excrement was only allowed to be removed once in twenty-four hours. I have been told that you are personally cognizant of the facts. Some of the officers have informed me that they saw you at the fort and that you were made aware of this inhuman treatment. I cannot but believe that now after you have seen these things for yourself you will take prompt steps in the way of reform.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

WASHINGTON, *July 1, 1863.*

To His Excellency the PRESIDENT OF THE UNITED STATES:

SIR: Your answer to the application of the undersigned for a revocation of the order of banishment of Clement L. Vallandigham requires a reply, which they proceed with as little delay as possible to make.

They are not able to appreciate the force of the distinction you make between the Constitution and the application of the Constitution whereby you assume that powers are delegated to the President at the time of invasion or insurrection in derogation to the plain language of the Constitution. The inherent provisions of the Constitution remaining the same in time of insurrection or invasion as in time of peace the President can have no more right to disregard their positive and imperative requirements at the former time than at the latter. Because some things may be done by the terms of the Constitution at the time of invasion or insurrection which would not be required by the occasion in time of peace, you assume that anything whatever, even though not expressed by the Constitution, may be done on the occasion of insurrection or invasion which the President may choose to say is required by the public safety. In plainer terms, because the writ of habeas corpus may be suspended at time of invasion or insurrection, you infer that all other provisions of the Constitution having in view the protection of the life, liberty, and property of the citizen may be in like manner suspended.

The provision relating to the writ of habeas corpus being contained in the first part of the Constitution, the purpose of which is to define the powers delegated to Congress, has no connection in language with the declaration of rights as guarantees of personal liberty contained in the additional and amendatory articles, and inasmuch as the provision relating to the habeas corpus expressly provides for its suspension and the other provisions alluded to do not provide for any such thing the legal conclusion is that the suspension of the latter is unauthorized. The provision of the writ of habeas corpus is merely intended to furnish a summary remedy and not the means whereby personal security is conserved in the final resort, while the other provisions are guarantees of personal rights the suspension of which puts an end to all pretense of free government. It is true Mr. Vallandigham applied for a writ of habeas corpus as a summary remedy against oppression. But the denial of this did not take away his right to a speedy public trial by an impartial jury or deprive him of his other rights as an American citizen. Your assumption of the right to suspend all the constitutional guarantees of personal liberty, and even of the freedom of speech and of the press, because the summary remedy of habeas corpus may be suspended is at once startling and alarming to all persons desirous of preserving free government in this country.

The inquiry of the undersigned whether "you hold the rights of every man throughout this vast country in time of invasion or insurrection are subject to be annulled whenever you may say that you consider the public safety requires it?" was a plain question, undisguised by circumlocution, and intended simply to elicit information. Your affirmative answer to this question throws a shade upon the fondest anticipations of the framers of the Constitution, who flattered themselves that they had provided safeguards against the dangers which have ever beset and overthrown free government in other ages and countries. Your answer is not to be disguised by the phraseology that the question "is simply a question who shall decide, or an affirmation that nobody shall decide, what the public safety does require in case

of rebellion or invasion." Our Government was designed to be a government of law, settled and defined, and not of the arbitrary will of a single man. As a safeguard the powers were delegated to the legislative, executive, and judicial branches of the Government, and each made co-ordinate with the other and supreme within its sphere, and thus a mutual check upon each other in case of abuse of power.

It has been the boast of the American people that they had a written Constitution not only expressly defining, but also limiting the powers of the Government, and providing effectual safeguards for personal liberty, security, and property. And to make the matter more positive and explicit, it was provided by the amendatory articles, IX and X, that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people," and that "the powers not delegated to the United States by the Constitution nor prohibited by it to the State are reserved to the States respectively or to the people." With this care and forethought on the part of our forefathers who framed our institutions it was not to be expected that at so early a day as this a claim of the President to arbitrary power, limited only by his conception of the requirements of the public safety, would have been asserted. In derogation of the constitutional provisions making the President strictly an executive officer and vesting all the delegated legislative powers in Congress your position as we understand it would make your will the rule of action, and your declaration of the requirements of the public safety the law of the land. Our inquiry was not therefore "simply a question who shall decide, or the affirmation that nobody shall decide, what the public safety requires." Our Government is a government of law and it is the law-making power which ascertains what the public safety requires and prescribes the rule of action, and the duty of the President is simply to execute the laws thus enacted, and not to make or annul laws. If any exigency shall arise the President has the power to convene Congress at any time to provide for it, so that the plea of necessity furnishes no reasonable pretext for any assumption of legislative power.

For a moment contemplate the consequences of such a claim to power. Not only would the dominion of the President be absolute over the rights of individuals, but equally so over the other departments of the Government. If he should claim that the public safety required it, he could arrest and imprison a judge for the conscientious discharge of his duties, paralyze the judicial power or supersede it by the substitution of courts-martial, subject to his own will, throughout the whole country. If any one of the States even far removed from the rebellion should not sustain his plan for prosecuting the war, he could on the plea of public safety annul and set at defiance the State laws and authorities, arrest and imprison the Governor of the State or the members of the Legislature while in the faithful discharge of their duties, or he could absolutely control the action either of Congress or the Supreme Court by arresting and imprisoning its members, and upon the same ground he could suspend the elective franchise, postpone the elections, and declare the perpetuity of his high prerogative. And neither the power of impeachment nor the elections of the people could be made available against such concentration of power.

Surely it is not necessary to subvert free government in this country in order to put down the rebellion, and it cannot be done under the pretense of putting down the rebellion. Indeed it is plain that your Administration has been weakened, and greatly weakened, by the assumption of power not delegated in the Constitution.

In your answer you say to us: "You claim that men may, if they choose, embarrass those whose duty it is to combat a giant rebellion and then be dealt with in terms as if there were no rebellion." You will find yourself in fault if you will search our communication to you for any such idea. The undersigned believe that the Constitution and laws of the land properly administered furnish ample power to put down an insurrection without the assumption of powers not granted. And if existing legislation be inadequate it is the duty of Congress to consider what further legislation is necessary and to make suitable provision by law.

You claim that the military arrests made by your Administration are merely preventive remedies, "as injunctions to stay injury, or proceedings to keep the peace, and not for punishment." The ordinary preventive remedies alluded to are authorized by established law, but the preventive proceedings you institute have their authority merely in the will of the Executive or that of officers subordinate to his authority. And in this proceeding a discretion seems to be exercised as to whether the prisoner shall be allowed a trial or even be permitted to know the nature of the complaint alleged against him or the name of his accuser. If the proceedings be merely preventive, why not allow the prisoner the benefit of a bond to keep the peace? But if no offense has been committed, why was Mr. Vallandigham tried, convicted, and sentenced by a court-martial? And why the actual punishment by imprisonment or banishment without the opportunity of obtaining his liberty in the mode usual in preventive remedies, and yet say it is not for punishment?

You still place Mr. Vallandigham's conviction and banishment upon the ground that he had damaged the military service by discouraging enlistments and encouraging desertions, &c., and yet you have not even pretended to controvert our position that he was not charged with, tried, or convicted for any such offense before the court-martial.

In answer to our position that Mr. Vallandigham was entitled to a trial in the civil tribunals by virtue of the late acts of Congress you say: "I certainly do not know that Mr. Vallandigham has specifically and by direct language advised against enlistments and in favor of desertions and resistance to drafting," &c., and yet in a subsequent part of your answer, after speaking of certain disturbances which are alleged to have occurred in the resistance of the arrest of deserters and of the enrollment preparatory to the draft, and which you attribute mainly to the course Mr. Vallandigham has pursued, you say that he has made speeches against the war in the midst of resistance to it; that "he has never been known in any instance to counsel against such resistance," and that "it is next to impossible to repel the inference that he has counseled directly in favor of it." Permit us to say that your information is most grievously at fault.

The undersigned have been in the habit of hearing Mr. Vallandigham speak before popular assemblages, and they appeal with confidence to every truthful person who has ever heard him for the accuracy of the declaration that he has never made a speech before the people of Ohio in which he has not counseled submission and obedience to the laws and the Constitution, and advised the peaceful remedies of the judicial tribunes and of the ballot box for the redress of grievances and for the evils which afflict our bleeding, suffering country. And were it not foreign to the purposes of this communication we would undertake to establish to the satisfaction of any candid person that the disturbances among the people to which you allude in opposition to the arrest of deserters and the draft have been occasioned mainly by

the measures, policy, and conduct of your Administration and the course of its political friends. But if the circumstantial evidence exists to which you allude which makes "it next to impossible to repel the inference that Mr. Vallandigham has counseled directly in favor" of this resistance and that the same has been mainly attributable to his conduct, why was he not turned over to the civil authorities to be tried under the late acts of Congress? If there be any foundation in fact for your statements implicating him in resistance to the constituted authorities, he is liable to such prosecution. And we now demand as a mere act of justice to him an investigation of this matter before a jury of his countrymen; and respectfully insist that fairness requires either that you retract these charges which you make against him, or that you revoke your order of banishment and allow him the opportunity of an investigation before an impartial jury.

The committee do not deem it necessary to repel at length the imputation that the attitude of themselves or of the Democratic party in Ohio "encouraged desertion, resistance to the draft, and the like." Suggestions of that kind are not unusual weapons in our ordinary political contests. They rise readily in the minds of politicians heated with the excitement of partisan strife. During the two years in which the Democratic party of Ohio has been constrained to oppose the policy of the Administration and to stand up in defense of the Constitution and of personal rights this charge has been repeatedly made. It has fallen harmless, however, at the feet of those whom it was intended to injure. The committee believe it will do so again. If it were proper to do so in this paper they might suggest that the measures of the Administration and its changes of policy in the prosecution of the war have been the fruitful sources of discouraging enlistments and inducing desertion, and furnish a reason for the undeniable fact that the first call for volunteers was answered by very many more than were demanded, and that the next call for soldiers will probably be responded to by drafted men alone.

The observation of the President in this connection that neither the convention in its resolutions nor the committee in its communication intimate that they "are conscious of an existing rebellion being in progress with the avowed object of destroying the Union," needs perhaps no reply. The Democratic party of Ohio has felt so keenly the condition of the country and been so stricken to the heart by the misfortunes and sorrows which have befallen it that they hardly deemed it necessary by solemn resolution when their very State exhibited everywhere the sad evidences of war to remind the President that they were aware of its existence.

In the conclusion of your communication you propose that if a majority of the committee shall affix their signatures to a duplicate copy of it which you have furnished they shall stand committed to three propositions therein at length set forth, that he will publish the names thus signed and that this publication shall operate as a revocation of the order of banishment. The committee cannot refrain from the expression of their surprise that the President should make the fate of Mr. Vallandigham depend upon the opinion of this committee upon these propositions. If the arrest and banishment were legal and were deserved; if the President exercised a power clearly delegated under circumstances which warranted its exercise, the order ought not to be revoked merely because the committee hold or express opinions accordant with those of the President. If the arrest and banishment were not legal or were not deserved by Mr. Vallandigham, then surely he is entitled to an immediate and unconditional discharge.

The people of Ohio were not so deeply moved by the action of the President merely because they were concerned for the personal safety and convenience of Mr. Vallandigham, but because they saw in his arrest and banishment an attack upon their own personal rights; and they attach value to his discharge chiefly as it will indicate an abandonment of the claim to the power of such arrest and banishment. However just the undersigned might regard the principles contained in the several propositions submitted by the President, or how much soever they might, under other circumstances, feel inclined to indorse the sentiments contained therein, yet they assure him that they have not been authorized to enter into any bargains, terms, contracts, or conditions with the President of the United States to procure the release of Mr. Vallandigham. The opinion of the undersigned touching the questions involved in these propositions are well known, have been many times publicly expressed, and are sufficiently manifested in the resolutions of the convention which they represent, and they cannot suppose that the President expects that they will seek the discharge of Mr. Vallandigham by a pledge implying not only an imputation upon their own sincerity and fidelity as citizens of the United States, and also carrying with it by implication a concession of the legality of his arrest, trial, and banishment against which they and the convention they represent have solemnly protested. And while they have asked the revocation of the order of banishment, not as a favor, but as a right due to the people of Ohio, and with a view to avoid the possibility of conflict or disturbance of the public tranquillity, they do not do this, nor does Mr. Vallandigham desire it, at any sacrifice of their dignity and self-respect.

The idea that such a pledge as that asked from the undersigned would secure the public safety sufficiently to compensate for any mistake of the President in discharging Mr. Vallandigham is in their opinion a mere evasion of the grave question involved in this discussion and of a direct answer to their demand. And this is made especially apparent by the fact that this pledge is asked in a communication which concludes with an intimation of a disposition on the part of the President to repeat the acts complained of.

The undersigned therefore having fully discharged the duty enjoined upon them leave the responsibility with the President.

M. BIRCHARD, *19th Dist., Chairman.*
DAVID A. HOUK, *Secretary, 3d Dist.*
GEO. BLISS, *14th Dist.*
T. W. BARTLEY, *8th Dist.*
W. J. GORDON, *18th Dist.*
JOHN O'NEILL, *13th Dist.*
C. A. WHITE, *6th Dist.*
W. E. FINCK, *12th Dist.*
ALEXANDER LONG, *2d Dist.*
JAS. R. MORRIS, *15th Dist.*
GEO. L. CONVERSE, *7th Dist.*
GEO. H. PENDLETON, *1st Dist.*
W. A. HUTCHINS, *11th Dist.*
A. L. BACKUS, *10th Dist.*
J. F. McKINNEY, *4th Dist.*
J. W. WHITE, *16th Dist.*
F. C. LE BLOND, *5th Dist.*
LOUIS SHAEFER, *17th Dist.*
WARREN P. NOBLE, *9th Dist.*

BALTIMORE, *July 1, 1863.*

Hon. E. M. STANTON:

I understand that you suppose Mrs. Milroy to have been taken at Winchester and carried to Richmond. It is a mistake. She left Winchester with her children early in May and went home to Rensselaer, Ind. I saw her on her way and knew her before. She is a very good woman. The general received a letter from her yesterday. But there were five or six officers' wives left at Winchester, among them the wife of Washburn, of Ohio. We have no knowledge of their being taken as prisoners or treated with any indignity.

ROBT. C. SCHENCK,
Major-General.

WAR DEPARTMENT, *Washington, July 1, 1863.*

Major-General SCHENCK, *Baltimore:*

I knew that Mrs. Milroy was not taken prisoner. But the Richmond Dispatch of Friday states that eleven Yankee ladies were taken from Winchester to Richmond and that they are imprisoned in Castle Thunder. I have called for an explanation from the Richmond authorities. Whoever they are it is the design of the Government to protect them.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS, *Fort Monroe, July 1, 1863.*

Col. J. C. KELTON, *Asst. Adjt. Gen., Headquarters Army:*

I have the honor to acknowledge the receipt of the telegram of the General-in-Chief directing that the officers captured by Major-General Dix be not exchanged.

No exchanges of Confederate officers have been made since the order of the 25th of May last forbidding paroling or exchanging such officers.

Brig. Gen. W. H. Fitzhugh Lee, wounded, is in hospital here on the certificate of the medical director that he required hospital treatment. General Lee has given his parole to confine himself to the hospital and make no attempt to escape. As soon as he can be moved he will be sent to Fort Delaware, as we have no place of confinement here. His retention settles all questions about hanging our officers.

In order to obviate all misunderstandings in regard to paroles I gave Mr. Ould on the 23d of May the notice, a copy of which is inclosed.* Under its operation we shall derive great advantages, as every capture must be reduced to possession except in cases where commanders of opposing armies under the authority of article 7 of the cartel otherwise arrange.

It had been the practice, especially in Kentucky and Tennessee, of the Confederate forces to parole our captured officers and men where they were unable to bring them away, and thus preserve their own force unimpaired to make more captures. If this rule of reducing captures to possession be not fully understood I would respectfully suggest that it be announced in general orders.

May I ask what rebel officers in the West are reported as having disregarded the cartel, and under what circumstances?

Various other questions connected with exchanges have been subjects of correspondence between Mr. Ould and myself. I have endeavored to dispose of them to the best of my judgment and ability, and I

* See Vol. V, this series, p. 696.

have forborne to press them upon the already crowded attention of the General-in-Chief.

If he so desires I will forward copies. For the present exchanges of officers and citizens are not made. Those of enlisted men continue.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

MILITARY PRISON, *Alton, Ill., July 1, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I regret that I am obliged to report that the smallpox still prevails to a considerable extent in this prison, and will I fear continue to do so so long as new subjects for it to work upon are sent here for confinement.

The usual preventive against the spreading of this disease—vaccination—has been extensively resorted to by the prison physician, but without the effect thus far to rid this prison entirely of this disease.

There is but one way which at this time presents itself to me by which we can hope to be rid of this loathsome disease soon, and that is by not sending here any more prisoners for a month or so, by which time we will perhaps have gotten entirely rid of it.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry, Commanding the Prison.

[First indorsement.]

Referred to the Surgeon-General for suggestions July 8, 1863.

[Second indorsement.]

Respectfully returned.

I recommend that this communication be referred to the assistant surgeon-general at Saint Louis with the request that he cause the proper steps to be taken to put a stop to this disease in the Alton prison by vaccination, cleanliness, isolation, and such other means as his immediate presence or vicinity may suggest.

I am of the impression that isolation may be accomplished without necessarily ceasing to send inmates.

In any event, the assistant surgeon-general would be able to act more understandingly in the matter as to details to be pursued than any one at a distance.

If the Commissary-General of Prisoners should desire it, orders in the case will be issued from this office.

JOS. R. SMITH,
Acting Surgeon-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 1, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: Not one of the twenty-four officers whose names have been sent to me participated in the seizure of the U. S. transport Maple Leaf.*

* For report of capture, see Series I, Vol. XXVII, Part II, p. 786.

The officers of the transport will say the same thing. I say further, what is not material to the matter, that no one of them knew any such thing was contemplated.

I prefer, however, to adjust this whole matter when we meet. If I cannot satisfy you that these twenty-four men were justified in escaping without violence I will give you equivalents. What do you mean by putting officers on parole? Is a parole not a contract? Is it not an obligation on one part that no act of hostility will be committed, and on the other that confinement shall cease? Can parole and imprisonment go together? When you imprison do you not revoke paroles? Most of these twenty-four men were told by the paroling officers that the paroles would be at an end when they reached Fortress Monroe, and that the only reason why they were asked to give a parole was that they might go without guard to that point. If I understand the matter a parole is an obligation not to bear arms if released. It is a contract. A prisoner has the right to reject it. If your doctrine is true all ought to reject it. What equivalent did you give to these officers for that parole after they reached Fortress Monroe? Up to that time they had little or no guard. Their imprisonment was nominal. When they reached Fortress Monroe you made it actual. You put them in places well deserving the name of dungeons, eighteen in a room fifteen feet square, with an armed sentinel always at the door. I again ask you what equivalent did you give them for their parole? Did you not absolve them by your own act? Webster when he was paroled was released; he had an equivalent for his obligation. I am, however, so anxious to do justice according to your own ideas in this matter that I am disposed to abandon my own views if you do not concur in them. Yet if you demand an equivalent for these officers and receive it I must insist that you shall state in writing what you mean by a parole and what is its force. I deem it but fair that such a statement shall be made as will show that these men were not justified in availing themselves of an opportunity to escape from your confinement when it could be done, especially without violence, actual or implied, on their part.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 1, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: The clear understanding between us as to civilians was that all who had been paroled or put under any bonds or who had taken any oath of allegiance were released from condition of parole bond and oath where such civilians were delivered to their own people. It was confined to such as were released and delivered. Such is the fair and proper interpretation of paragraph 8 of notice 5.

It would perhaps have been better for me to have added the word "delivered" after "released." I did not do so because persons who were sent into our lines might not consider themselves as being delivered. I have, however, assured all persons that it only embraces such persons as were delivered to me or my agents, or such as were sent into our lines. If you continue to take exception to the phraseology I will correct it in my next notice.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 1, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: In answer to your personal appeal I send to you Abram Houghtaling. If my desire to gratify you had not been very great he would have been very differently dealt with. He has recently twice tried to bribe the under officers of the Libby. I think he will admit the charge. Moreover, I am very sure he is nothing but a civilian of the money-making sort. In spite of all this I send him to you. Pardon me if I cannot comply with your request as to the correspondents. Why cannot you agree to my propositions as to civilians and save heart-breaks on both sides of the line?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 1, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I think the captain of the John Rice misapprehended Captain Thompson. The latter did not intend to be understood as threatening to detain the boat. If he did, any such act would have been entirely unauthorized and would be appropriately punished. I cannot pretend to offer any excuse for any such conduct. Everybody on board your boat is entirely under your control until delivered.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

FORT MONROE, *July 2, 1863.*

Hon. E. M. STANTON:

Forty-seven of our women and children, being all that were captured at Winchester, have just arrived here from Richmond via City Point and go to Annapolis to-night. The rebels say that they did not intend to retain them, but did not wish to send them through our lines at any other point. Abram Houghtaling, captured on the Mississippi, whose release you desired me to obtain, has been sent to me. The release of Richardson and Browne is again refused on the ground of retaliation. Three thousand five hundred men and 108 officers of Milroy's command have been taken to Richmond. One thousand of these were delivered at City Point and go to Annapolis to-night.

Files of Richmond papers from the 23d of June to this date just received. Will be forwarded to you by the first mail. The rebels declare themselves fully prepared to meet our forces operating from the White House and to defend Richmond, and apprehend we will undertake to march by Gordonsville and Culpeper to the Potomac River, destroying their railroads and bridges after us. Extracts from Richmond papers of July 1 have just been sent to you.

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for the Exchange of Prisoners.

HEADQUARTERS OF THE ARMY,
Washington, July 2, 1863.

Col. WILLIAM H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe:

COLONEL: Your dispatch of the 1st instant is received. It is stated that some of the officers and men of the colored regiments captured west of the Mississippi River have been hung by order of General Taylor, and that others (colored) have been sold into slavery under some pretended State authority. It is understood that General Grant has made a formal demand on General Taylor to know if these statements are true, and also that all such prisoners be treated in accordance with the stipulations of the cartel and the rules of civilized war.* It is also stated that a portion of Colonel Streight's command captured have been refused the right of exchange under the cartel and are improperly retained by the enemy.

It is the duty of the United States to afford protection to all persons duly received into the military service, and if the enemy should violate the cartel and laws of war in the treatment of prisoners our Government will be reluctantly compelled to resort to retaliation. While we shall ask for nothing to which we are not entitled by well-established laws, we cannot permit a deliberate and systematic violation of the usages of civilized warfare to pass unpunished. However much we may wish to avoid any act by which the innocent may suffer for the crimes of the guilty, there are occasions where summary retaliation must be resorted to. I am fully aware that violations of law, both civil and military, will sometimes occur under any Government or organization, and complaints are not made where the proper authorities employ all legitimate means to rebuke and punish the offenders. It is hoped that the statements I have alluded to may be incorrect or mere exaggerations, as is not unusually the case on both sides, and that the matter may be properly and satisfactorily arranged.

In connection with this matter I inclose herewith a copy of a report† of General Rosecrans upon General Bragg's letter in regard to his stripping Coburn's brigade of their blankets, clothing, &c. You will please again call Mr. Ould's attention to General Bragg's conduct as admitted by himself. Instead of depriving prisoners of war of their clothing we have issued to them large quantities of blankets to make them comfortable and have generally exchanged them in better condition than when captured. The enemy, on the contrary, has frequently treated our troops with great inhumanity and sent them back in a condition utterly disgraceful to the captors. It is hoped that this matter will be properly investigated and the abuse corrected.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

ANNAPOLIS, *July 2, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to report that I am here waiting orders, with 300 women and children. I received your dispatch Tuesday evening. Answered as directed, and have received no orders since. This is sent

* See Series I, Vol. XXIV, Part III, pp. 425, 443, 469.
† See Vol. V, this series, p. 769.

because the telegraph is unreliable and you may have sent orders that have not been received. Please acknowlege receipt of this.

I have the honor to be, very respectfully, your obedient servant,

L. C. TURNER,
Judge-Advocate.

WAR DEPARTMENT, *Washington, July 2, 1863.*

Major TURNER, *Judge-Advocate, Annapolis:*

Your telegram of this date received. No order has yet been sent you because I am waiting and expect to hear to-day from Richmond respecting the female prisoners held in Castle Thunder. The action of this Government in respect to the persons you have in charge may be influenced by the answer from Richmond. I sent you this morning a telegram respecting contraband baggage. You will remain with your boat at Annapolis until further orders.

EDWIN M. STANTON.

WAR DEPARTMENT, *Washington, July 2, 1863.*

Major TURNER, *Judge-Advocate, Annapolis:*

Colonel Ludlow reports that the Union women and children, forty-seven in number, taken to Richmond as prisoners have been released. You may therefore proceed to your destination without further delay.

EDWIN M. STANTON,
Secretary of War.

RICHMOND, *July 2, 1863.*

Hon. ALEXANDER H. STEPHENS, *Richmond, Va.:*

SIR: Having accepted your patriotic offer to proceed as a military commissioner under flag of truce to Washington, you will receive herewith your letters of authority to the Commander-in-Chief of the Army and Navy of the United States. This letter is signed by me as Commander-in-Chief of the Confederate land and naval forces.

You will perceive from the terms of the letter that it is so worded as to avoid any political difficulties in its reception. Intended exclusively as one of those communications between belligerents which public law recognizes as necessary and proper between hostile forces, care has been taken to give no pretext for refusing to receive it on the ground that it would involve a tacit recognition of the independence of the Confederacy. Your mission is simply one of humanity and has no political aspect. If objection is made to receiving your letter on the ground that it is not addressed to Abraham Lincoln as President, instead of Commander-in-Chief, &c., then you will present the duplicate letter, which is addressed to him as President and signed by me as President. To this latter objection may be made on the ground that I am not recognized to be President of the Confederacy. In this event you will decline any further attempt to confer on the subject of your mission, as such conference is admissible only on the footing of perfect equality.

My recent interviews with you have put you so fully in possession of my views that it is scarcely necessary to give you any detailed instructions, even were I at this time well enough to attempt it. My whole purpose is in one word—to place this war on the footing of such as are

waged by civilized people in modern times, and to divest it of the savage character which has been impressed on it by our enemies in spite of all our efforts and protests. War is full enough of unavoidable horrors under all its aspects to justify and even to demand of any Christian rulers who may be unhappily engaged in carrying it on to seek to restrict its calamities and to divest it of all unnecessary severities. You will endeavor to establish the cartel for the exchange of prisoners on such a basis as to avoid the constant difficulties and complaints which arise, and to prevent for the future what we deem the unfair conduct of our enemies in evading the delivery of prisoners who fall into their hands; in retarding it by sending them on circuitous routes, and by detaining them sometimes for months in camps and prisons, and in persisting in taking captives non-combatants.

Your attention is also called to the unheard-of conduct of Federal officers in driving from their homes entire communities of women and children, as well as men, whom they find in districts occupied by their troops, for no other reason than because these unfortunates are faithful to the allegiance due to their States and refuse to take an oath of fidelity to their enemies. The putting to death of unarmed prisoners has been a ground of just complaint in more than one instance, and the recent execution of officers of our army in Kentucky for the sole cause that they were engaged on recruiting service in a State which is claimed as still one of the United States, but is also claimed by us as one of the Confederate States, must be repressed by retaliation if not unconditionally abandoned, because it would justify the like execution in every other State of the Confederacy; and the practice is barbarous, uselessly cruel, and can only lead to the slaughter of prisoners on both sides—a result too horrible to contemplate without making every effort to avoid it.

On these and all kindred subjects you will consider your authority full and ample to make such arrangements as will temper the present cruel character of the contest, and full confidence is placed in your judgment, patriotism, and discretion that while carrying out the objects of your mission you will take care that the equal rights of the Confederacy be always preserved.

Very respectfully,

JEFFERSON DAVIS.

[Inclosure.]

ABRAHAM LINCOLN,
Commander-in-Chief of the
Land and Naval Forces of the United States of America:

SIR: As Commander-in-Chief of the land and naval forces now waging war against the United States I have the honor to address this communication to you as Commander-in-Chief of the land and naval forces.

Numerous difficulties and disputes have arisen in relation to the execution of the cartel of exchange heretofore agreed on by the belligerents, and the commissioners of the exchange of prisoners have been unable to adjust their differences. Their action on the subject of those differences is delayed and embarrassed by the necessity of referring each subject as it arises to superior authority for decision. I believe that I have just ground of complaint against the officers and forces under your command for breach of trust of the cartel, and being myself ready to execute it at all times in good faith I am not justified in doubting the existence of the same disposition on your part. In addition to this matter I have to complain of the conduct of your officers and

troops in many parts of the country who violate all the rules of war by carrying on hostilities not only against armed foes but against non-combatants, aged men, women and children, while others not only seize such property as is required for the use of your troops but destroy all private property within their reach, even agricultural implements, and openly avow the purpose of seeking to subdue the population of the districts where they are operating by the starvation that must result from the destruction of standing crops and agricultural tools.

Still again others of your officers in different districts have recently taken the lives of prisoners who fell into their power and justify their act by asserting a right to treat as spies the military officers and enlisted men under my command who may penetrate into States recognized by us as our allies in the warfare now waged against the United States, but claimed by the latter as having refused to engage in such warfare.

I have heretofore on different occasions been forced to make complaints of these outrages, and to ask from you that you should either avow or disclaim having authorized them, and have failed to obtain such answer as the usages of civilized warfare require to be given in such cases. These usages justify and indeed require redress by retaliation as the proper means of repressing such cruelties as are not permitted in warfare between Christian peoples. I have notwithstanding refrained from the exercise of such retaliation because of its obvious tendency to lead to war of indiscriminate massacre on both sides, which would be a spectacle so shocking to humanity and so disgraceful to the age in which we live and the religion we profess that I cannot contemplate it without a feeling of horror that I am disinclined to doubt you would share.

With the view, then, of making one last solemn attempt to avert such calamities and to attest my earnest desire to prevent them if it be possible, I have selected the bearer of this letter, the Hon. Alexander H. Stephens, as a military commissioner to proceed to your headquarters under flag of truce, there to confer and agree on the subjects above mentioned; and I do hereby authorize the said Alexander H. Stephens to arrange and settle all differences and disputes which may have arisen or may arise in the execution of the cartel for exchange of prisoners of war heretofore agreed on between our respective land and naval forces; also to prevent further misunderstandings as to the terms of said cartel, and finally to enter into such arrangement or understanding about the mode of carrying on hostilities between the belligerents as shall confine the severities of the war within such limits as are rightfully imposed, not only by modern civilization, but by our common Christianity.

I am, very respectfully, your obedient servant,

JEFFERSON DAVIS,
Commander-in-Chief of the Land and Naval Forces of the Confederate States of America.

WASHINGTON, D. C., *July 3, 1863.*

Lieutenant-Colonel WELLS,
Provost-Marshal, Alexandria, Va.:

Please report yourself to this Department on Monday at 11 a. m. with the list of disloyal persons proposed to be sent from Alexandria, suspending any action on the matter until further orders.

EDWIN M. STANTON,
Secretary of War.

NAVY DEPARTMENT, *Washington, July 3, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose herewith a copy of a communication, dated the 29th ultimo, received from Commander W. A. Webb, late of the steamer Atlanta, relative to the quarters which have been assigned him and others, late of that vessel, and the manner in which they are treated.

In reply to this communication I informed him that he with the others had been turned over to the military authorities as prisoners of war, and that this Department has not control over the police arrangements of Fort Lafayette.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

[Inclosure.]

FORT LAFAYETTE, *N. Y. Harbor, June 29, 1863.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.:

SIR: Myself and the rest of the officers of the C. S. S. Atlanta, lately fallen prisoners of war to the U. S. Navy under Commander Rodgers in Warsaw Sound, do most respectfully enter this our protest against our confinement in this fortress in common consort with those with whom we would not associate in civil life. We are not treated as prisoners of war. We are restricted to the coarsest fare, and are required to perform menial offices for others as well as ourselves, which are highly repugnant to our feelings. We therefore ask that we be confined in quarters by ourselves, where we may be able to form our messes apart from the promiscuous inmates of a military prison.

Respectfully, &c.,

W. A. WEBB,
Commander, C. S. Navy, Comdg. Squadron, Savannah River.

HEADQUARTERS OF THE ARMY,
Washington, July 3, 1863.

Major-General SCHENCK, *Baltimore:*

GENERAL: The court of inquiry ordered by the President to report upon the validity of paroles given by certain officers captured in Maryland last Sunday have reported that paroles so given are not binding. Their report is approved. I inclose herewith an extract of the report for your government in like cases. A general order will be issued to-day on this subject.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

[Inclosure—Extract.]

* * * * * * *

3. That inasmuch as Major ——— was not paroled by the authorized agent or the officer in command of the opposing army and was released from captivity for the convenience of the captor and was not taken for exchange to the places and in the manner specified in article 7 of the cartel as announced in General Orders, No. 142, dated September 25, 1862, and now in force, his parole was not in compliance with general orders.

4. Major ———'s parole is not binding so as to require an exchange for the reasons given above in answer to the third point of inquiry.

5. Major ———'s parole not being binding and the rebel authorities having been duly notified on or about the 25th of May, 1863, through their authorized agent for the exchange of prisoners of war, that thereafter no paroles would be recognized except such as were strictly in accordance with article 7 of the cartel above referred to, the Government is free to place him on duty without exchange.

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GEO. W. CULLUM,
Lieutenant-Colonel, Engineers, and Brigadier-General, President.
ROBERT N. SCOTT,
Captain, Fourth U. S. Infantry, Judge-Advocate.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., July 3, 1863.

Brig. Gen. J. R. CHALMERS, *Commanding, &c.:*

Your note* of 30th [ultimo] is this day received. In reply I would state that Captain Burrow, late of Richardson's command, has escaped. He was held for murder, of which I am now satisfied he was not guilty.

If Cushman belongs to the Confederate service, his friends will do him a favor by furnishing evidence of that fact, as he is now under sentence of death as a robber and murderer.

The resignation of Joseph Carter is received and will be respected.

If the Confederate Government would uniform and commission its officers much ill-feeling would be avoided. As it is every robber captured in the very act of plunder claims to be a prisoner of war, and his claim is not respected, nor can it be unless he has some evidence from competent authority that he is legitimately in the service of the enemy. This evidence should be a commission for officers.

As long as your forces attempt to hold and draw supplies from Panola you must expect those supplies to be destroyed. You can remedy this by leaving the country.

Scattering men of all armies commit depredations, unauthorized and irregular, for which the individuals are held responsible.

Your obedient servant,

S. A. HURLBUT,
Major-General, U. S. Volunteers.

GENERAL ORDERS, No. 207. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, July 3, 1863.

I. The attention of all persons in the military service of the United States is called to article 7 of the cartel agreed upon on the 22d of July, 1862, and published in General Orders, No. 142, September 25, 1862. According to the terms of this cartel all captures must be reduced to actual possession and all prisoners of war must be delivered at the places designated, there to be exchanged, or paroled until exchange can be effected. The only exception allowed is the case of commanders of two opposing armies, who are authorized to exchange prisoners or to release them on parole at other points mutually agreed upon by said commanders.

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* Not found.

II. It is understood that captured officers and men have been paroled and released in the field by others than commanders of opposing armies, and that the sick and wounded in hospitals have been so paroled and released in order to avoid guarding and removing them, which in many cases would have been impossible. Such paroles are in violation of general orders and the stipulations of the cartel and are null and void. They are not regarded by the enemy and will not be respected in the armies of the United States. Any officer or soldier who gives such parole will be returned to duty without exchange, and moreover will be punished for disobedience of orders. It is the duty of the captor to guard his prisoners, and if through necessity or choice he fails to do this it is the duty of the prisoner to return to the service of his Government. He cannot avoid this duty by giving an unauthorized military parole.

III. A military parole not to serve until exchanged must not be confounded with a parole of honor to do or not to do a particular thing not inconsistent with the duty of a soldier. Thus, a prisoner of war actually held by the enemy may, in order to obtain exemption from a close guard or confinement, pledge his parole of honor that he will make no attempt to escape. Such pledges are binding upon the individuals giving them; but they should seldom be given or received, for it is the duty of a prisoner to escape if able to do so. Any pledge or parole of honor extorted from a prisoner by ill-usage or cruelty is not binding.

IV. The obligations imposed by the general laws and usages of war upon the non-combatant inhabitants of a section of country passed over by an invading army cease when the military occupation ceases, and any pledge or parole given by such persons in regard to future service is null and of no effect.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[JULY 4, 1863.—For correspondence, orders, &c., relating to prisoners of war captured at Vicksburg, Miss., not found herein, see Series I, Vol. XXIV, Parts I, II, and III.]

[JULY 4, 1863.—For correspondence between Meade and Lee in relation to the exchange of prisoners captured at Gettysburg, Pa., see Series I, Vol. XXVII, Part III, p. 514.]

U. S. STEAMER MINNESOTA,
Hampton Roads, July 4, 1863.

Hon. GIDEON WELLES, *Secretary of the Navy:*

The following communication is just received from Mr. Stephens, who is on the flag-of-truce boat, anchored above. I shall inform Mr. Stephens that I await your instructions before giving him an answer.

C. S. STEAMER TORPEDO, *On James River, July 4, 1863.*

Rear-Admiral S. P. LEE, *U. S. Flag-ship Minnesota:*

SIR: As military commissioner I am the bearer of a communication in writing from Jefferson Davis, Commander-in-Chief of the land and naval forces of the Confederate States, to Abraham Lincoln, Commander-in-Chief of the land and naval forces of the United States.* Hon. Robert Ould, Confederate States agent of

* See July 2, p. 75.

exchange, accompanies me as secretary. For the purpose of delivering the communication in person and conferring upon the subjects to which it relates I desire to proceed directly to Washington City in the steamer Torpedo, commanded by Lieut. Hunter Davidson, of the C. S. Navy, no person being on board but the Hon. Mr. Ould, myself, and the boat's officers and crew.

Yours, most respectfully,

ALEXANDER H. STEPHENS.

S. P. LEE,
Acting Rear-Admiral.

U. S. FLAG-SHIP MINNESOTA,
Off Newport News, Va., July 4, 1863.

Hon. ALEXANDER H. STEPHENS, *Military Commissioner:*

SIR: Your communication of this date is received. I will report by telegraph your arrival and object and inform you of the result without delay.

Very respectfully, yours,

S. P. LEE,
Actg. Rear-Admiral, Comdg. North Atlantic Blockading Squadron.

FORT MONROE, VA., *July 4, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

I have just received a communication directed to the officer in command of the U. S. forces here from Alexander H. Stephens, a duplicate of which was sent to Rear-Admiral Lee, and is now going over the wires to the Secretary of the Navy.

In the absence of General Dix at White House I will execute any order you may give me in relation to the communication. If the permission asked for is given I will, with your consent, offer the services of my dispatch-boat and accompany them to Washington. The boat they came in is a small tug.

WM. H. LUDLOW,
Lieutenant-Colonel, &c.

WASHINGTON, *July 4, 1863.*

Colonel LUDLOW:

You will, if it has not already been done, forward to Major-General Dix by express the copy of Jeff. Davis' dispatch sent him to-day;* also my telegram of this evening,† and until you receive the President's instructions hold no communication with Mr. Stephens or Mr. Ould, nor permit either of them to come within our lines.

Our victory is complete. Lee in full retreat.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, *July 4, 1863.*

Doctor HAMMOND, *Surgeon-General, Washington:*

MY DEAR SIR: A friend writes me that the crowded state of the prisoners at Fort Delaware and the brackishness of the drinking water is proving very fatal to the occupants. He says they are dying at the

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*See Stanton to Dix, 8 a. m., Series I, Vol. XXVII, Part III, p. 529.
†See Stanton to Dix, 5 p. m., *ibid.*, p. 529.

rate of from ten to fifteen a day. Can this be so? I advise you of it that if you find it true you may direct the means of arresting it. If suffered it will be a libel on our good name. I do not know if the matter falls within your province, but if not, I am sure you will let those who should attend to it know what is said. Let me hear from you as soon as you can conveniently.

Yours, truly,

REVERDY JOHNSON.

[Indorsement.]

SURGEON-GENERAL'S OFFICE, *July 6, 1863.*

A true copy respectfully forwarded for the information of Col. W. Hoffman, Commissary-General of Prisoners. Medical Inspector Cuyler has been instructed to inspect Fort Delaware and report fully the truth of these statements.

By order of the Surgeon-General:

JOS. R. SMITH,
Surgeon, U. S. Army.

FORT MONROE, *July 4, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I herewith inclose to you a copy of letter just received which I desire shall be submitted to the General-in-Chief.* Please send me if possible by return mail his decision whether the proposition of Mr. Ould shall be accepted. That proposition is thus stated:

As Doctor Rucker has asked to have his trial postponed, let his case remain as it is and let us unconditionally release all other surgeons on both sides.

As Doctor Rucker's trial has been postponed at his own request and it is by no means certain when he will have it, the equities of the case seem rather to favor the discharge of Dr. Green held as his hostage.

There are now confined in Fort Norfolk six surgeons and in Richmond eleven surgeons awaiting a decision of this question.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange.

[First indorsement.]

JULY 6, 1863.

Respectfully referred to the General-in-Chief.

W. HOFFMAN.

[Second indorsement.]

Were not the offenses alleged against Dr. Rucker committed in West Virginia, and therefore in territory in the military occupation of the United States? Colonel Hoffman will report what these alleged offenses are and where committed.

H. W. HALLECK.

BRIGADE HEADQUARTERS, *July 4, 1863.*

Maj. Gen. N. P. BANKS,
Commanding Department of the Gulf:

GENERAL: I have been informed that you have refused to recognize paroles given prisoners captured from your command. I wish to know

* See June 23, p. 35. Another copy of the letter is dated July 1.

if such is the case, so that I may know in future how to act when I capture prisoners. I have also learned upon authority worthy of notice that you have threatened to have Capt. James R. Chambers, General Beall's staff, who was a prisoner in your hands and made his escape, shot if recaptured.

Is this to be your policy in regard to prisoners who make their escape? It is certainly not in accordance with military usage or civilized warfare. I am loth to believe that you have inaugurated such policy, yet the information comes so direct and from such authority that I am, in justice to Captain Chambers and others, compelled to make this communication.

I am, general, very respectfully, your most obedient servant,

JNO. L. LOGAN,
Colonel, Commanding Brigade, C. S. Troops.

SPECIAL ORDERS, No. 160. } HDQRS. DEPARTMENT OF HENRICO, *Richmond, July 4, 1863.*

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VII. Capt. T. P. Turner, commanding C. S. prison, is hereby directed to select by lot from among the Federal captains now in his custody two of that number for execution.

JOHN H. WINDER,
Brigadier-General.

LIBBY PRISON, *July 4, 1863.*

Brigadier-General WINDER, C. S. Army:

GENERAL: Since I saw you I have received your communication of the 11th ultimo, in which you inform me that, notwithstanding the articles of capitulation between General Forrest and myself which guaranteed the protection of private property, my money would be seized and turned over to your Government. It is not my intention at this time to call in question the justice or injustice of your decision. I only desire to call your attention again to the fact that $850 taken from me here was money which I purchased of General Forrest while a prisoner of war, which purchase was made with money which General Forrest's quartermaster had paid to my surgeons for horses. I paid $20 per hundred to the surgeons for the money. Thus you will see that of the $850 only $170 of the amount was in my possession at the time of my capture.

Certainly there can be no claim of a right to take from a prisoner of war the profits (be they great or small) of a legitimate business transaction with his captor.

I should have written you before, but as you agreed when I saw you to write General Forrest in relation to the matter, I have delayed until now, hoping you would have the necessary evidence in the case to enable you to decide understandingly. In order to avoid the necessity of troubling you again, I wish, in case you decide to retain all my money, you would state what amount, if any, of said funds you will allow me for expenses while a prisoner, as I am now much in need of money and wish to make arrangements to replenish my purse from other sources in case you will not refund the necessary amount.

Very respectfully,

A. D. STREIGHT,
Colonel, U. S. Army.

FORT MONROE, *July 5, 1863.*

Hon. E. M. STANTON:

SIR: I have the honor to report that I delivered to the rebels at City Point Saturday p. m. and this a. m. 322 women and children; that I have here with me 191 women and children, of whom 101 are foreigners, mostly English and German. Shall I require the adult foreigners to make oath that they will give no aid or comfort to the rebels? All citizens, of course, are required to take an oath of allegiance. No accident has occurred, and thus far all is right and the news from Pennsylvania joyous.

I have the honor to be, very respectfully, your obedient servant,

L. C. TURNER,
Judge-Advocate.

FORT MONROE, VA., *July 5, 1863.*

Hon. E. M. STANTON:

Your order of last evening has been executed, and the Confederate steamer is at anchor eight miles above Newport News.

WM. H. LUDLOW,
Lieutenant-Colonel, &c.

FORT MONROE, VA., *July 5, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

The Confederate tug Torpedo left her anchorage at 1.30 p. m. this afternoon and proceeded up the James River. Three flag-of-truce boats with 1,800 Confederate prisoners of war went to City Point this morning with rigid orders to have no communication on their way up with any vessel except our guard-ship and to answer no hail.

WM. H. LUDLOW,
Lieutenant-Colonel.

WASHINGTON, D. C., *July 6, 1863.*

Colonel ANDREWS,
Commanding Fort Preble, Portland, Me.:

You will please detain in your custody the rebel prisoners until further orders, for the purpose of affording an opportunity to identify some of them.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *July 6, 1863.*

Major TURNER, *Fortress Monroe:*

I am surprised and chagrined that you received any foreign women. You had no authority or instructions to justify it; but having received them you cannot impose the oath of allegiance.

EDWIN M. STANTON,
Secretary of War.

C. S. STEAMER TORPEDO,
Off Newport News, Va., July 6, 1863.

Acting Rear-Admiral S. P. LEE,
U. S. Flag-ship Minnesota:

SIR: Will Admiral Lee inform me, if he can, how long it will probably be before an answer will be made to my note of the 4th instant?

Will he please also forward the accompanying letter* from Hon. Mr. Ould, Confederate agent of exchange, to Lieut. Col. William H. Ludlow, U. S. agent of exchange?

Most respectfully,

ALEXANDER H. STEPHENS.

NAVY DEPARTMENT, *Washington, July 6, 1863.*

The request of Alexander H. Stephens is inadmissible. The customary agents and channels are adequate for all needful military communication and conference between the U. S. forces and the insurgents.

GIDEON WELLES,
Secretary of the Navy.

Acting Rear-Admiral S. P. LEE, *Hampton Roads:*

Above you have the reply of this Department to the request of A. H. Stephens. Your course in not permitting the Torpedo to pass is approved.

GIDEON WELLES,
Secretary of the Navy.

U. S. FLAG-SHIP MINNESOTA,
Off Newport News, Va., July 6, 1863.

Hon. ALEXANDER H. STEPHENS:

SIR: The request contained in your communication of the 4th instant is considered inadmissible. The customary agents and channels are adequate for all needful military communications and conference between the U. S. forces and the insurgents.

Very respectfully, yours,

S. P. LEE,
Acty. Rear-Admiral, Comdg. North Atlantic Blockading Squadron.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 6, 1863.

Hon. ALEXANDER H. STEPHENS:

SIR: In the temporary absence of Maj. Gen. John A. Dix, commanding this department, I have the honor to acknowledge the receipt of your communication of the 4th instant, addressed to the officer commanding U. S. forces, Fort Monroe, and in the execution of instructions from the Secretary of War to inform you that the request therein contained is deemed inadmissible. The customary agents and channels are considered adequate for all needful military communications and conferences.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieut. Col. and Asst. Insp. Gen., Seventh Army Corps,
Agent for Exchange of Prisoners.

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* See p. 87.

WAR DEPARTMENT, *Washington, July 6, 1863.*

Col. W. H. LUDLOW, *Fort Monroe, Va.:*

I inclose herewith a copy of General Orders, No. 207, current series, which you will communicate to Mr. Ould, Confederate agent for exchange of prisoners.* You will also notify Mr. Ould that it is understood that officers of the United States and Confederate officers have at various times and places paroled and released prisoners of war not in conformity with the cartel, and that the Government of the United States will not recognize and will not expect the Confederate authorities to recognize such unauthorized paroles. Prisoners released on parole not authorized by the cartel after your notice of May 22 will not be regarded as prisoners of war and will not be exchanged. Where officers of either belligerent have released prisoners of war without the delivery specified in the cartel, either for convenience because they could not guard them, or for any other reasons, since the 22d of May, such release will be regarded as unconditional and the party released as subject to the orders of his Government without exchange the same as if he had never been captured.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

FORT MONROE, *July 6, 1863.*

Col. WILLIAM HOFFMAN:

Mr. Ould informs me that the charges against Doctor Rucker were horse stealing, murder, and acting as a guide for bodies of armed men. I have had no official copy of charges. Please inform me of the decision in his case. Please answer my inquiry about delivery of Confederate prisoners of war at Baltimore.

WM. H. LUDLOW,
Lieutenant-Colonel, &c.

HEADQUARTERS, *Baltimore, Md., July 6, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

Will it be against any adopted policy of treatment for me to employ some of these rebel prisoners in work on the fortifications here instead of the negroes? So far as their learning the character of our works no military objection exists now on that score.

R. C. SCHENCK,
Major-General.

WAR DEPARTMENT, *Washington, July 6, 1863.*

Major-General SCHENCK, *Baltimore, Md.:*

I know of no instance in which the enemy has compelled prisoners of war to work on fortifications. General Kelley's command has received their orders from these headquarters. Telegraph the entire force left at Baltimore and vicinity, including railroad guards.

H. W. HALLECK,
General-in-Chief.

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* See p. 78.

HEADQUARTERS FIFTH MILITARY DISTRICT, *July 6, 1863.*

Maj. Gen. S. A. HURLBUT,
Commanding Sixteenth Army Corps, Memphis, Tenn.:

GENERAL: Your communication of 3d instant has just been received. I forward to you the best evidence now in my possession that Captain Cushman is a Confederate officer, and will endeavor to obtain a copy of the authority granted to him by General Beauregard as soon as practicable.

If my Government chooses to look to the muster-rolls and not to commissions for the rank of its officers, and they in default of better clothing choose to fight in coarse jackets, I cannot see what right your Government has to complain, provided we are ready to exchange for them at their proper rank when captured.

While it is true that "scattering men of all armies commit depredations," I have satisfactory evidence that the depredations committed by the troops under Colonel Hatch were by his orders, and that greater outrages would have been committed by him in Hernando but for the intervention of the officer in command of a flag of truce there at the time, and further that he has threatened our people to treat them worse in every succeeding raid.

The uniform courtesy of your notes gives evidence that these acts do not meet your approbation, and I shall expect to hear that Colonel Hatch has been held to a proper accountability; if not, he has been warned what to expect when he comes again. Your invitation to me to leave the country is very polite, but cannot be complied with at present.

I must say, however, that it is an extraordinary confession on your part that you feel compelled to make war on non-combatants and destroy the subsistence of the country as a means of military defense. You will find, sir, that this mode of warfare will not succeed in anything but the bringing your Government into contempt with the civilized world. Southern men will subsist on acorns in defense of liberty, and every man that you burn out adds another soldier to my command.

I am, general, your obedient servant,

JAS. R. CHALMERS,
Brigadier-General, Commanding.

HEADQUARTERS PAROLED PRISONERS,
Near Annapolis, Md., July 6, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to inclose you a list of three paroled officers which arrived here from Richmond, Va., July 3, 1863. Capt. William Gramm and Lieut. Isaac A. Wade, of the Eighth Virginia Infantry Volunteers, were taken prisoners near Guyandotte River, W. Va., by General Floyd November 25, 1862, sent to Richmond and confined as hostages in the State penitentiary from the 30th of December until 1st July, 1863; were hostages for Captain Dusky and Lieutenant Barnes [Varner], bushwhackers or mail robbers in the Confederate service. They signed a parole July 1 and arrived at Annapolis July 3, 1863. The health of these officers is much impaired by long and close confinement. Applications for leaves of absence will be forwarded to-day. I would respectfully recommend that they be granted.

I am, colonel, very respectfully, your obedient servant,

GEO. SANGSTER,
Lieutenant-Colonel, Commanding Paroled Prisoners.

JAMES RIVER,
Flag-of-truce Boat Torpedo, July 6, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I have declared exchanged all the non-commissioned officers and privates who have been delivered at City Point up to July 2 1863. I do not think you will find the total much in excess of the declarations you have made. At least my account makes it so.

Whatever may be the excess, you can bring the exchanges to an equilibrium by a declaration on your side. Of course my declaration does not include those sent up to yesterday.

Respectfully, your obedient servant, &c.,

RO. OULD,
Agent of Exchange.

C. S. PRISON, *Richmond, July 6, 1863.*

Brig. Gen. J. H. WINDER,
Commanding Department of Henrico:

GENERAL: In accordance with instructions contained in Special Orders, No. 160, I have selected by lot from the entire number of Federal captains confined in this prison (not including two in hospital under medical treatment) two for execution, viz, Capt. Henry Washington Sawyer, Company K, First New Jersey Cavalry; Capt. John M. Flinn, Company F, Fifty-first Indiana Infantry.

I have the honor to be, general, your obedient servant,

TH. P. TURNER,
Captain, Commanding.

[Indorsement.]

JULY 7, 1863.

Respectfully referred to the Secretary of War and ask instructions as to time of execution.

JNO. H. WINDER,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
Before Port Hudson, July 7, 1863.

Maj. Gen. RICHARD TAYLOR,
Commanding C. S. Forces South of Red River:

SIR: I am informed that you have, under a misapprehension of the course pursued by me in similar cases, decided [to] treat certain surgeons belonging to the forces under my command who have fallen into the hands of the forces under your command as prisoners of war. I have the honor to state that medical officers have in no instance been regarded by me, or to my knowledge, as prisoners of war, but have invariably been returned to the lines of their own forces as soon as was consistent with safety. They have in some instances been detained from that cause, but the detention has continued no longer than was warranted by the exigencies of the case. If any officer of my command has assumed to administer a parole to medical officers other than the ordinary parole not to give information, you can disregard the paroles and release the surgeons from them. In that event I respectfully request that you will inform me of your action and furnish me with copies of the paroles, that I may take steps to prevent a repetition of the occurrence.

I shall retain Assistant Surgeon Throop, One hundred and seventy-sixth New York, and release him from his parole, unless other[wise] desired by you.

Very respectfully, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

HEADQUARTERS FORT DELAWARE, *July 7, 1863.*

Brig. Gen. M. C. MEIGS, *Quartermaster-General U. S. Army:*

GENERAL: I have the honor to report that I was called upon for the first time yesterday to use the new barracks lately erected at this post for prisoners of war. The barracks were built strictly according to contract, and as far as workmanship and material are concerned well built. Owing to the spongy nature of the soil and the rains combined, the foundation props commenced sinking as soon as I put the prisoners into them. In some places they have sunk nearly a foot, consequently the building has sunk also, thereby weakening it very materially. I am ordered to be ready to receive some 8,000 prisoners, and as soon as they are put into the building I am fearful that the building will settle so much that it will fall over, and the loss of life in all probability will be great. The new hospital ordered to be built here in all probability is to be built on the same principle, and if it is so built it will also sink. I respectfully suggest that Colonel Crosman be directed to send down an architect to examine and report as to the best possible means of securing the barracks from destruction, and to put in a secure foundation to the hospital.

I am, general, very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 7, 1863.

Col. J. C. KELTON,
Assistant Adjutant-General, Washington, D. C.:

COLONEL: Please submit the following to the General-in-Chief to show the circumstances of Doctor Rucker's arrest:

He states that he was captured at Summersville, Nicholas County, W. Va., on the 25th July, 1862. When that place was taken by the rebels some time previous he had, by order of Colonel Crook, guided a cavalry command from Jacksonville Depot, on Central Railroad, to Cow Pasture bridge, which was burned. For this act he is to be tried.

General Milroy states that in the early part of 1862, at Covington, Alleghany County, W. Va., where he then resided, he was required repeatedly to take the oath of allegiance to the rebel Government, which he always refused to do. At length a brutal quartermaster swore he should take the oath or he would kill him, and went to the doctor's house and ordered him to go to his office for this purpose, and on his refusing to do so he used very insulting language toward him and struck him a violent blow with a club. On this the doctor drew a bowie knife and killed him, and immediately gave himself up to the civil authorities for trial. It appears that he was acquitted and his arrest at Summersville was subsequent to this trial.

Colonel Ludlow informs me that Doctor Rucker is charged with horse stealing, murder, and acting as guide for bodies of armed men, but he does not give the time or place.

Very respectfully, your obedient servant,

WM. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 7, 1863.

Capt. E. M. CAMP,
Assistant Quartermaster, Washington, D. C.:

CAPTAIN: The Secretary of War directs that the female prisoners recently arrived from Richmond, who are now at the United States Hotel, in this city, be at once discharged, and you will therefore please notify them of this order, that they may take the necessary steps to provide for themselves.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

FORT MONROE, *July 7, 1863.*

Col. J. C. KELTON:

I respectfully ask the instruction of the General-in-Chief as to what shall be done with the many cases of prisoners of war who desire to take the oath of allegiance to the United States; also, deserters who express same desire?

W. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 7, 1863.

Col. J. C. KELTON, *Assistant Adjutant-General:*

COLONEL: I have the honor to acknowledge the receipt of the communication of the General-in-Chief of the 2d instant, and inclosing a copy of report of General Rosecrans upon General Bragg's letter.*

I have before, in accordance with instructions, called the attention of the Confederate authorities to the outrages complained of, but have not yet received from them the promised reply. I will renew my demand. I have also demanded the release of the officers of Colonel Streight's command, as per correspondence inclosed.† I have also met the issue as presented by the act of the Confederate Congress, as per correspondence also inclosed, copies of which were furnished to the Secretary of War.

I am informed, unofficially, that the charges against the officers of Colonel Streight's command are unfounded. The Confederate authorities are evidently very much embarrassed as to what course to take to extricate themselves from the dilemma imposed by the passage of their act of Congress above referred to. The first sections of this act, you may recollect, nullified in express terms the proclamation of Jefferson Davis, and the subsequent sections, apparently designed as a "tub to

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* See Vol. V, this series, p. 769. † *Ibid.*, pp. 737, 745.

the whale" of what they considered their popular sentiment, has complicated matters in relation to their own officers worse than before.

After the escape, through the criminal negligence of the officer in charge, of the paroled Confederate officers from the steamer Maple Leaf, I gave notice to Mr. Ould that if ever recaptured, without exchange, they would be hung.

In reply, he expresses a desire to settle the matter by giving their equivalents.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 7, 1863.

Col. J. C. KELTON,
Assistant Adjutant-General, Headquarters of the Army:

COLONEL: I have the honor to acknowledge the receipt of the telegram of the 6th instant of the General-in-Chief directing certain communications to be made to Mr. Ould, agent for the exchange of prisoners, and to inform you that the instructions have been obeyed.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

P. S.—I have the honor also to state that since the 22d of May last it has been distinctly understood between Mr. Ould and myself that all captures must be reduced to possession and that all paroles are to be disregarded unless taken under the special arrangement of commanding officers of armies in the field as prescribed in section 7 of the cartel.

WILLIAM H. LUDLOW,

Lieutenant-Colonel, &c.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 7, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: I herewith inclose to you a copy of General Orders, No. 207,* which contains some additional provisions to those mentioned in my communication to you of the 22d May last. It is understood that officers of the United States and Confederate officers have at various times and places paroled and released prisoners of war not in accordance with the cartel.

The Government of the United States will not recognize and will not expect the Confederate authorities to recognize such unauthorized paroles. Prisoners released on parole not authorized by the cartel after my notice to you of the 22d of May will not be regarded as prisoners of war and will not be exchanged.

When prisoners of war have been released without the delivery specified in the cartel since the 22d of May last, such release will be regarded as unconditional and the prisoners released as subject to orders without exchange the same as if they had never been captured.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

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* See p. 78.

FORT PREBLE, *Portland, Me., July 7, 1863.*

Hon. E. M. STANTON:

I can guard the rebel prisoners securely. The accommodations for so many are too small. Three are now sick with typhoid fever and others threatened.

GEO. L. ANDREWS,
Major Seventeenth Infantry, Commanding Post.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, July 7, 1863.

Capt. CALEB SMITH,
Comdg. Exchanged and Paroled Prisoners, Petersburg, Va.:

CAPTAIN: I am directed by the general commanding the department to give the following instructions for guidance:

First. The duties of the commissioners of exchange are confined entirely to the exchanging and paroling of prisoners. Immediately upon the landing of prisoners they are under your control.

Second. The inspection of all passes to go by flag-of-truce boat will be under your direction, and no one will be permitted to go on the flag-of-truce boat, or to visit City Point for that purpose, without a pass from these headquarters or from the Secretary of War.

Third. All letters going by flag of truce will pass through your hands and be closely inspected by you, and none allowed to pass except such [as] are [on] strictly private affairs.

Very respectfully, your obedient servant,

J. W. PEGRAM,
Assistant Adjutant-General.

P. S.—You will see that no person be allowed to land from the flag-of-truce boat at City Point unless you are perfectly satisfied that they are all right.

J. W. PEGRAM,
Assistant Adjutant-General.

Approved.

JAMES A. SEDDON,
Secretary of War.

[JULY 8, 1863.—For articles covering the capitulation of Port Hudson, La., and reports, correspondence, &c., relating to that event, see Series I, Vol. XXVI, Part I, p. 41 *et seq.*]

WASHINGTON, D. C., *July 8, 1863.*

Col. W. H. LUDLOW, *Fort Monroe:*

The Secretary of War directs that you permit such deserters and prisoners of war as you deem it safe and proper to trust to take the oath of allegiance and go North.

H. W. HALLECK,
General-in-Chief.

(Copy to Colonel Hoffman July 10, 1863.)

WAR DEPARTMENT, *Washington, July 8, 1863.*

Major-General SCHENCK, *Commanding, &c.:*

General Schoepf telegraphs that you have ordered him to send no more prisoners to City Point. The Secretary of War desires to know why you issued this order.

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

BALTIMORE, *July 8, 1863.*

Brig. Gen. E. R. S. CANBY, *War Department:*

When two or three days ago I directed General Schoepf to suspend sending prisoners of war to City Point it was because I had assurance that they would immediately on arrival be employed for defense of Richmond. I supposed this also to be the idea at the War Department when I was instructed to have accommodation for 6,000 at Fort Delaware. Shall I order General Schoepf to send now to City Point those he has?

ROBT. C. SCHENCK,
Major-General.

WAR DEPARTMENT, *Washington, July 8, 1863.*

Major-General SCHENCK, *Baltimore:*

Your action in stopping the forwarding of prisoners to City Point is approved for the reasons mentioned by you, and your order should be continued in force under present circumstances.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, *July 8, 1863.*

General CANBY:

I have now over 1,100 rebel prisoners. Shall I send them to Fort Delaware, or is it the policy of the War Department to send them at this time to City Point?

R. C. SCHENCK,
Major-General.

WASHINGTON, D. C., *July 8, 1863.*

Maj. Gen. R. C. SCHENCK, *Baltimore, Md.:*

The Secretary of War directs that the rebel prisoners referred to in your telegram be sent to Fort Delaware.

ED. R. S. CANBY,
Brigadier-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 8, 1863.

Major-General GRANT, *Vicksburg:*

I fear your paroling the garrison at Vicksburg without actual delivery to a proper agent, as required by the seventh article of the cartel,

may be construed into an absolute release, and that these men will be immediately placed in the ranks of the enemy. Such has been the case elsewhere.

If these prisoners have not been allowed to depart you will retain them till further orders.

H. W. HALLECK,
General-in-Chief.

WASHINGTON, *July 8, 1863.*

Lieut. Col. WILLIAM H. LUDLOW, *Fort Monroe:*

COLONEL: Your letter of July 4, inclosing copy of letter of R. Ould, agent of exchange, dated July 1, in regard to the case of Doctor Rucker, is received.* As understood here, Doctor Rucker's alleged offenses were committed in West Virginia, within the territory militarily occupied at the time by the troops of the United States. If so, by the laws and usages of war the authorities at Richmond have no jurisdiction in his case. If Mr. Ould will release all our medical officers except Doctor Rucker, you will reciprocate by releasing all theirs except one to be retained as a hostage for Doctor Rucker, or if Doctor Rucker is released you will release the hostage. If it should be found that Doctor Rucker is properly retained under the cartel or found guilty and punished according to the laws and usages of war, the hostage will be given up. But if improperly retained and punished retaliation must be resorted to.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

WAR DEPARTMENT, *Washington, July 8, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: The Secretary of War instructs me to say that until further orders no Confederate prisoners of war will be sent from Fort Delaware to City Point.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 8, 1863.

Brig. Gen. JOHN S. MASON, *Commanding, Columbus, Ohio:*

GENERAL: It is possible that for some time the depot at Johnson's Island will be required for officers, and perhaps some few citizens, and I therefore request you will send there from Camp Chase only rebel officers. Please notify me of the prison being crowded, that arrangements may be made for delivering them for exchange.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* Two copies of Ould's letter are on the files of the War Department, one dated June 23, 1863, and the other July 1, 1863. Excepting the date, they are identical.

FORT HAMILTON, *July 8, 1863.*

HON. E. M. STANTON:

The attachment just issued against me has reference to the old case of the Baltimore police commissioners. It seems that the former attachment in the same case was returned to the sheriff of the county for want of the necessary force to enable [him] to execute it; hence the present attachment, which is now in the hands of the sheriff. I have to request of the Hon. E. M. Stanton, Secretary of War, that he would order Marshal Murray to arrest the lawyer that had a hand in this business and send him immediately to Fort Lafayette.

MARTIN BURKE,
Lieutenant-Colonel Third Artillery.

RICHMOND, *July 8, 1863.*

His Excellency JEFFERSON DAVIS:

SIR: Under the authority and instructions of your letter to me of the 2d instant, I proceeded on the mission therein assigned without delay. The steamer Torpedo, commanded by Lieut. Hunter Davidson, of the Navy, was put in readiness as soon as possible by order of the Secretary of the Navy and tendered for the service. At noon on the 3d she started down the James River, hoisting and bearing a flag of truce after passing City Point.

The next day (the 4th) at about 1 p. m., when within a few miles of Newport News, we were met by a small boat of the enemy carrying two guns, which also raised a white flag before approaching us.

The officer in command informed Lieutenant Davidson that he had orders from Admiral Lee on board the U. S. flag-ship Minnesota, lying below and then in view, not to allow any boat or vessel to pass the point near which he was stationed without his permission. By this officer I sent to Admiral Lee a note stating my objects and wishes, a copy of which is hereto annexed, marked A.* I also sent to the admiral to be forwarded another note in the same language addressed to the officer in command of the U. S. forces at Fort Monroe. The gun-boat proceeded immediately to the Minnesota with these dispatches, while the Torpedo remained at anchor. Between 3 and 4 p. m. another boat came up to us bearing the admiral's answer, which is hereto annexed, marked B.†

We remained at or about this point in the river until the 6th instant, when, having heard nothing further from the admiral, at 12 m. on that day I directed Lieutenant Davidson again to speak the gun-boat on guard and to hand to the officer in command another note to the admiral. This was done. A copy of this note is appended, marked C.‡ At 2.30 p. m. two boats approached us from below, one bearing an answer from the admiral to my note to him on the 4th. This answer is annexed, marked D.§ The other boat bore the answer of Lieut. Col. W. H. Ludlow to my note of the 4th, addressed to the officer in command at Fort Monroe. A copy of this is annexed, marked E.‖ Lieutenant-Colonel Ludlow also came up in person in the boat that brought his answer to me and conferred with Colonel Ould on board the Torpedo upon some matters he desired to see him about in connection with the exchange of prisoners.

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* See Stephens to Lee, July 4, p. 79.
† Lee to Stephens, July 4, p. 80.
‡ Stephens to Lee, July 6, p. 84.
§ Lee to Stephens, July 6, p. 84.
‖ Ludlow to Stephens, July 6, p. 84.

From the papers appended, embracing the correspondence referred to, it will be seen that the mission failed from the refusal of the enemy to receive or entertain it, holding the proposition for such a conference "inadmissible." The influences and views that led to this determination after so long a consideration of the subject must be left to conjecture. The reason assigned for the refusal by the United States Secretary of War, to wit, that "the customary agents and channels are considered adequate for all needful military communications and conferences," to one acquainted with the facts seems not only unsatisfactory, but very singular and unaccountable, for it is certainly known to him that the very agents to whom he evidently alludes heretofore agreed upon in former conference in reference to the exchange of prisoners (one of the subjects embraced in your letter to me), are now and have been for some time distinctly at issue on several important points. The existing cartel owing to these disagreements is virtually suspended so far as the exchange of officers on either side is concerned. Notices of retaliation have been given on both sides. The effort, therefore, for the very many and cogent reasons set forth in your letter of instructions to me to see if these differences could not be removed and if a clearer understanding between the parties as to the general conduct of the war could not be arrived at before this extreme measure should be resorted to by either party, was no less in accordance with the dictates of humanity than in strict conformity with the usages of belligerents in modern times. Deeply impressed as I was with these views and feelings in undertaking the mission and asking the conference, I can but express my profound regret at the result of the effort made to obtain it, and I can but entertain the belief that if the conference sought had been granted mutual good could have been effected by it, and if this war, so unnatural, so unjust, so unchristian, and so inconsistent with every fundamental principle of American constitutional liberty "must needs" continue to be waged against us, that at least some of its severer horrors, which now so eminently threaten, might have been avoided.

Very respectfully,

ALEXANDER H. STEPHENS.

SPECIAL ORDERS, No. 128.

HEADQUARTERS, *Jackson, Miss., July 8, 1863.*

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XIII. The general commanding has just learned that a detachment of exchanged prisoners sent to this department by Captain Grant have been induced by the misrepresentations of some designing person or persons to doubt the validity of their exchange. There is no reason whatever for doing this, and the detachment is hereby directed to remain here until they can be sent in safety to the departments to which they belong. The presence and aid of such a body of men is very welcome at such a juncture. Captain Grant will report with his command to Major-General Breckinridge for temporary duty with his division.

By command of General Johnston:

BEN. S. EWELL,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 9, 1863—9.40 a. m.

Major-General MEADE, *Army of the Potomac:*

If no arrangement was made between you and General Lee for the exchange and parole of prisoners of war by designating places of

delivery, as provided in seventh article of cartel, no parole given by the troops of either army is valid. Please answer if any such agreement was made.

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS ARMY OF THE POTOMAC, *July 9, 1863.*

General H. W. HALLECK:

In answer to your dispatch of 9.40 I have to state that General Lee made a proposition to me for an exchange of prisoners on the field of Gettysburg, which I declined accepting.*

GEO. G. MEADE,
Major-General.

ALEXANDRIA, *July 9, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to acknowledge the receipt of your telegraphic order countermanding former order upon subject of sending disloyal persons from Alexandria.

Respectfully,

JNO. P. SLOUGH,
Brigadier-General.

MILITARY PRISON, *Alton, Ill., July 9, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I beg leave respectfully to report among the recent accessions to this prison of 164 prisoners of war from the district provost-marshal, Memphis, Tenn., and 725 from Helena, Ark., captured by Major-General Prentiss on the 4th instant. The first-named detachment reached here on the 7th, the latter this morning. Incomplete rolls accompanied the former; with the Helena prisoners no rolls were sent, and the officer in charge, although ordered to prepare rolls on the trip, alleges he was unable to do so by the crowded condition of the vessel. I will cause complete rolls to be immediately prepared and forwarded.

I desire to direct the attention of the Commissary-General of Prisoners to a matter of much importance connected with the sanitary condition of the prison. Smallpox has become an almost established disease in the prison. It first appeared in December last, since which time the prison has scarcely been free from it. Three cases were reported on the evening previous to my departure for Washington. I recommended to Colonel Hildebrand the importance of having the cases at once removed to a suitable place outside of the city limits. The recommendation was not acted upon (the then prison surgeon believing he could confine the disease to the hospital), and the consequence was the malady spread with alarming rapidity. It assumed a malignant type and the mortality during the months of January, February, and part of March was fearful. The guard necessarily became affected, and the whole city was more or less affected by the contagion. Every new accession of prisoners only furnished new victims for the disease. As illustrative of its ravages, I may mention that no less than 220 cases developed themselves in the last detachment of prisoners sent to City Point, Va.

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* See Series I, Vol. XXVII, Part III, p. 514.

I adopted the precaution to cause every man to be vaccinated this morning as he entered the prison, but it is fair to estimate that a considerable percentage will escape its influence.

Under these circumstances I deem it my duty to renew the recommendation and trust the Commissary-General of Prisoners will see the importance of adopting some measure to stay this fearful malady.

There are at present in the prison hospital fifteen cases.

I have the honor to be, very respectfully, your obedient servant,

W. DE HASS,

Lieut. Col. Seventy-seventh Ohio Vol. Infty., Comdg. Mil. Prison.

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 10, 1863.

Major-General GRANT, *Vicksburg:*

On a full examination of the question it is decided that you, as the commander of an army, were authorized to agree upon the parole and release of the garrison of Vicksburg with the general commanding the place.

H. W. HALLECK,
General-in-Chief.

WASHINGTON, D. C., *July 10, 1863.*

Major-General MEADE, *Army of the Potomac,*

Major-General SCHENCK, *Baltimore, Md.,*

Brig. Gen. L. THOMAS, *Harrisburg, Pa.:*

It has been understood and agreed between Colonel Ludlow and Mr. Ould, agents for exchange of prisoners, that paroles not given as prescribed in section 7 of the cartel, after May 22, are to be considered as null and void, and that the officers and men of the respective parties paroled not in accordance with that section of the cartel will be returned to duty without exchange. They will be so returned to duty.

H. W. HALLECK,
General-in-Chief.

(Same to Colonel Hoffman July 12, and by Hoffman to Generals Grant and Schofield July 19, 1863.)

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Thibodeaux, July 10, 1863.

Maj. Gen. N. P. BANKS, U. S. Army,
Commanding Department of the Gulf:

SIR: I have the honor to acknowledge the receipt of your communication, per flag of truce, dated 7th instant.

Three surgeons of my command (Messrs. Taylor, Farmer, and Jones) were held in New Orleans as prisoners of war and paroled as such. I will forward to you copies of the paroles as soon as I can obtain them. I am glad to perceive from your communication that it was not with your knowledge or approval.

Assistant Surgeon Throop, if desired by you, can be retained and released from his parole. The other medical officers of your command

who are now attending your sick who are prisoners within my lines will be informed that they are released from their parole and will be sent into your lines.

Very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding.

GENERAL ORDERS, No. 11. } QUARTERMASTER-GENERAL'S OFFICE, *Washington City, July 10, 1863.*

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Issues of clothing to prisoners of war by the quartermaster at stations where they are confined will be made with the assistance and under the supervision of an officer detailed for the purpose, whose certificate that the issue was made in his presence will be the quartermaster's voucher for the clothing issued. From the 30th of April to the 1st of October neither drawers nor socks will be issued to prisoners of war, except to the sick. (General Orders, War Department, June 17, 1862, and circular of Commissary-General of Prisoners, July 7, 1862.)

Issues of clothing to prisoners of war will be made only at stations where such prisoners are held, unless specially ordered by the general commanding an army in the field, in which case the provisions of the foregoing paragraph must be complied with.

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M. C. MEIGS,
Quartermaster-General.

SURGEON-GENERAL'S OFFICE,
Washington, D. C., July 10, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to acknowledge the receipt of your order to keep separate as far as possible the rebel wounded from those of our army and directing that the former be sent, when proper, to Point Lookout.

The following action had already been taken in the case. After consultation with the Commissary-General of Prisoners I yesterday telegraphed to the medical director at New York City to prepare the hospital at Davids Island for exclusive use as a rebel hospital.

I also telegraphed the officer at Gettysburg in charge of transportation to send rebel wounded to that hospital.

The medical director at Philadelphia was ordered at the same time by telegraph to prepare the hospital at Chester, Pa., for the exclusive use of the rebel wounded.

The hospital at Point Lookout contains 1,400 beds, and the number of rebel wounded at Gettysburg alone is now reported by Medical Inspector Vollum to be from 8,000 to 10,000.

Under these circumstances does the Secretary desire that I countermand the previous orders given and send rebel wounded to Point Lookout?

I am, sir, your obedient servant,

JOS. R. SMITH,
Acting Surgeon-General.

[First indorsement.]

WAR DEPARTMENT, *July 11, 1863.*

The order to send the rebel wounded to Hammond Hospital was made upon the recommendation of Major-General Schenck, but as the report

of the Acting Surgeon-General presents facts both as to the number of the wounded and the accommodation at the hospital, not known when the order was given, the Secretary of War directs that this copy of Surgeon Smith's communication be referred to General Schenck for report. The answer to the question will be reserved until the report is received.

Very respectfully,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS EIGHTH ARMY CORPS,
Baltimore, July 12, 1863.

Respectfully referred to Surg. J. Simpson, medical director Eighth Army Corps, for his views, reference being also had to the inclosed copies of telegrams received and sent before this copy of communication of Surgeon-General was received.

By order of Major-General Schenck:

N. L. JEFFRIES,
Assistant Adjutant-General.

[Third indorsement.]

MEDICAL DIRECTOR'S OFFICE, EIGHTH ARMY CORPS,
July 12, 1863.

Respectfully returned.

The Hammond Hospital was recommended when it was unknown other arrangements were to be made and when the actual presence of some and anticipated arrival of many calls for provision for obvious reasons outside of this city. The hospital accommodation of this department does not now exceed what may be demanded of it for our own troops. The suggestions of the Acting Surgeon-General seem to cover every indication.

J. SIMPSON,
Surgeon, U. S. Army, Medical Director.

[Fourth indorsement.]

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, July 13, 1863.

Respectfully returned to the Secretary of War, with information contained in indorsement of Surgeon Simpson, medical director. Perhaps for the reasons given by him it will be better to abandon the idea of establishing Point Lookout as a hospital for rebels. If no more sick and wounded rebels are to be sent here at present, we will collect and keep those that we receive in one of the hospitals in or near this city.

ROBT. C. SCHENCK,
Major-General, Commanding.

WASHINGTON, D. C., *July 10, 1863.*

Lieut. Col. MARTIN BURKE, *Fort Hamilton, N. Y. Harbor:*

SIR: Your dispatch of yesterday is received and referred to me. Allow no arrests to be made within Fort Hamilton. Have you received my letter of yesterday relating to your previous dispatch? Report the facts fully and names of all parties concerned.

WILLIAM WHITING,
Solicitor of the War Department.

FORT LAFAYETTE, *N. Y. Harbor, July 10, 1863.*

WILLIAM WHITING, Esq.,
Solicitor of the War Department, Washington, D. C.:

SIR: Your letter of the 9th instant and telegraph of this date have been received, and in reply I would respectfully say that the case for which the attachment has been issued against me is that of the Baltimore police commissioners, which was before the courts nearly two years ago. It has been revived by Algernon R. Wood, Gideon J. Tucker, and J. C. Van Loon, lawyers of Brooklyn. F. J. Dallon, also a lawyer of Brooklyn, accompanied the sheriff of Kings County when he came to Fort Hamilton to arrest me on yesterday. I inclose a slip cut from the Herald and one from the Brooklyn Eagle which will bring the case before you.

Mr. Wood has been very officious and troublesome in this matter, therefore I would most respectfully request the President to cause the arrest of these parties and send them to Key West.

Very respectfully, your obedient servant,

MARTIN BURKE,
Commanding Fort.

[Inclosure No. 1.—Extract from Brooklyn Eagle, Friday evening, July 10.]

THE BALTIMORE POLICE COMMISSIONERS' CASE—COLONEL BURKE REFUSES TO COME INTO COURT—CONFLICT BETWEEN THE STATE AND FEDERAL AUTHORITIES.

It will be remembered that two years ago Colonel Burke, at present commandant at Fort Hamilton, was instructed by the authorities at Washington to resist the execution of a writ of habeas corpus issued out by the county court of Kings County on behalf of the Baltimore police commissioners, who were then confined in Fort Lafayette by order of the Government. At that time the military power of the State was wielded by the Republican party, who took no steps to have the legal authority of the State respected by the General Government, and there the matter was allowed to rest until the counsel in the case made application to the county court a short time ago for an alias attachment to compel the appearance in said court of Colonel Burke to show cause why he set the laws of the sovereign State of New York at defiance. Judge Garrison, after a careful examination of the points involved in the case, issued, on the 7th instant, the following, and placed it in the hands of the sheriff for execution:

The People of the State of New York to the Sheriff of the County of Kings:

We command you, as we before commanded you, forthwith to apprehend and attach Col. Martin Burke, of Fort Hamilton, in the said county of Kings, and to bring him immediately before our county judge of the said county, at the chambers of the said county court, in the city hall, in the city of Brooklyn, to answer for his contempt in not obeying a certain writ of habeas corpus to him directed and on him duly served on the relation of Algernon R. Wood, and have you then there this writ of attachment.

Witness, the Hon. Samuel Garrison, county judge of our said county of Kings, at the city hall, in the said city of Brooklyn, this 7th day of July, 1863.

SAMUEL GARRISON,
County Judge.
J. N. STEARNS,
Clerk.

JOHN C. VAN LOON, *Attorney for Relator.*

To the above writ the following return was made by the sheriff yesterday afternoon:

BROOKLYN, *July 9, 1863.*

I return to the within writ of attachment that I am unable to arrest the within Col. Martin Burke, as within, commandant of Fort Lafayette and Fort Hamilton. I

have endeavored to obtain entrance and access to Fort Hamilton, which is held and garrisoned by armed troops of the United States, well armed and provisioned, and cannot be taken or an entrance effected without the aid of a large force of troops with artillery. I further return that I have been formally notified by the officer of the day in command of Fort Hamilton that they were prepared to resist any attack upon the fort or any attempt upon my part to arrest the body of Colonel Burke, within named, who is commandant of the fort. And I further return that the whole militia force of Kings County, except the Seventieth Regiment, is now in the service of the United States in the State of Pennsylvania and out of the county of Kings; and that the said Seventieth Regiment, as I am informed by Colonel Cropsey, in command of the same, is now under marching orders and not subject to my control, and I have no force or arms within or under my control sufficient for the purpose of executing the within writ.

ANTHONY F. CAMPBELL,
Sheriff of Kings County.

It is rumored in connection with the above that the Seventieth Regiment has been ordered by the Federal authorities to proceed to Fort Hamilton to aid in resisting any further attempt at enforcing the legal process of the court. Governor Seymour will be called upon by the counsel in the case to vindicate the sovereignty of the State.

[Inclosure No. 2.—Extract from New York Herald.]

FORT LAFAYETTE—IS CIVIL OR MILITARY LAW TO PREVAIL?

Two years ago a writ of habeas corpus was issued by Judge Garrison, of Kings County, issued and directed to Col. Martin Burke, commandant at Fort Lafayette, to bring up the bodies of the four Baltimore police commissioners confined at the fort.

The colonel refused to make return. An attachment was issued and put in the hands of the sheriff, which, not having been executed, an alias is now issued, which is as follows:*

This raises an important issue between the military and civil tribunals, and the public will await with the greatest anxiety to see which of the two will prevail.

Counsel for relator, Hon. Gideon J. Tucker and Mr. J. C. Van Loon.

WAR DEPARTMENT, *July 11, 1863.*

Major-General SCHENCK:

How many rebel prisoners captured within Maryland and Pennsylvania have reached Baltimore within this month of July?

A. LINCOLN,
President of the United States.

BALTIMORE, MD., *July 11, 1863.*

His Excellency A. LINCOLN, *President:*

Have received in this month of July at Fort McHenry 6,142 prisoners of war, captured in Maryland and Pennsylvania.

R. C. SCHENCK,
Major-General.

BALTIMORE, *July 11, 1863.*

ABRAHAM LINCOLN,
President of the United States, Washington:

Add to the number of prisoners I reported in former telegram as captured in Pennsylvania and Maryland, and received in this month at

*See inclosure No. 1.

Fort McHenry, 653. More received at Fort Delaware by way of Philadelphia. Those in hospitals here are not included.

ROBT. C. SCHENCK,
Major-General.

WAR DEPARTMENT, *July 11, 1863.*

Major-General SCHENCK:

The Surgeon-General reports that there are only 1,400 beds at Point Lookout, and Medical Inspector Vollum that there are 8,000 to 10,000 wounded rebels at Gettysburg. The case has been referred to you, but if any wounded rebels have been sent in and there is a necessity for immediate action, please report by telegraph.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General.

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., July 11, 1863.

Brigadier-General CANBY, *War Department, Washington:*

Surgeon Simpson, medical director of this corps, is having convalescents brought from Point Lookout, so that we may have more room there, he says, for a greater number of rebel wounded than the Surgeon-General supposed. I beg leave to make two suggestions, one that it might be best to send the rebels as far as practicable to hospitals north of this point, unless it is thought that Northern copperheads will sympathize with and pet them too much; the other that rebel officers have a bad influence on their men, many of the latter of whom are penitent when they are permitted to be, and they ought therefore to be separated both in prisons and hospitals.

R. C. SCHENCK,
Major-General, Commanding.

[JULY 11, 1863.—For Cameron to Lincoln, protesting against the sending of General Trimble, a Confederate prisoner of war, to Baltimore, and assigning reasons therefor, see Series I, Vol. XXVII, Part III, p. 646.]

WASHINGTON, D. C., *July 11, 1863.*

Major-General SCHENCK, *Baltimore:*

It is reported to this Department that Provost-Marshal-General Patrick has ordered the Confederate prisoner General Trimble to be forwarded to Baltimore and there paroled. That Trimble is a dangerous man, raised in Maryland, has resided in Baltimore, was engaged in destroying the bridges when the war broke out, and ought not to be permitted to go at large or be visited. If he comes to Baltimore you will see that he is not allowed to be paroled nor to hold communication with any one until he is exchanged.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS, *Baltimore, Md., July 11, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

I will look out for the rebel General Trimble, as you direct. He is notorious here as a bridge-burner and 19th-of-April leader. He has not appeared yet himself, but two days ago his assistant adjutant-general, Major Hall, came here on parole from Gettysburg to prepare accommodations for his chief. I revoked the parole and put the major in Fort McHenry. Last night I got another of Trimble's staff—an aide-de-camp, who had slipped down here without guard or papers of any kind.

ROBT. C. SCHENCK,
Major-General.

BALTIMORE, *July 11, 1863.*

PROVOST-MARSHAL, *Gettysburg, Pa.:*

Can you tell me where the rebel Maj. Gen. I. R. Trimble is? I have already had to complain that you sent two days ago one of his staff, Major Hall, his assistant adjutant-general, under parole to this city. I of course revoked the parole. Last night two other rebel officers and a rebel soldier, one of the officers being also of the staff of General Trimble, came down in a car mixed up with our own wounded soldiers. The staff officer of General Trimble was disguised in the greatcoat of a Union soldier. None of them had any papers. They were of course arrested. I call your attention to these abuses.

ROBT. C. SCHENCK,
Major-General.

HEADQUARTERS, *Baltimore, July 11, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

I don't know who is in command at Gettysburg, but there is something loose or wrong there. We pick up rebel officers and men here, unwounded as well as wounded, coming down without guard, papers, or orders, and some officers paroled.

ROBERT C. SCHENCK,
Major-General.

WAR DEPARTMENT, *July 11, 1863.*

Major-General SCHENCK:

The Secretary of War has directed that unless specially authorized no Confederate prisoner of war be released on taking the oath of allegiance.

W. HOFFMAN,
Commissary-General of Prisoners.

BALTIMORE, *July 11, 1863.*

Brig. Gen. W. W. MORRIS, *Fort McHenry:*

The Secretary of War has directed that unless specially authorized no rebel prisoner of war be released on taking the oath of allegiance. But I am not yet instructed who is to give this special authority.

ROBT. C. SCHENCK,
Major-General, Commanding.

INDIANAPOLIS, *July 11, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

It is stated in dispatches that Capt. John M. Flinn, of the Fifty-first Regiment Indiana Volunteers, a prisoner at Richmond, is to be executed in retaliation for a spy tried and executed by General Burnside. It would be deliberate murder if this threat is carried out, and I trust your Department will notify the rebel Government that if it is done strong retaliatory measures will be adopted.

O. P. MORTON,
Governor of Indiana.

PORT HUDSON, LA., *July 11, 1863.*

Maj. Gen. N. P. BANKS,
Commanding U. S. Forces, Port Hudson, La.:

GENERAL: I respectfully request to be informed whether the portion of the C. S. troops who reside in New Orleans, and also those who reside within the U. S. lines in this vicinity, after having been paroled, will be permitted to go to their homes, to remain until exchanged; and also whether such troops will be permitted to pass beyond the U. S. lines when they shall have been regularly exchanged?*

I have the honor to be, very respectfully, your obedient servant,
FRANK GARDNER,
Major-General, C. S. Army.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, July 11, 1863.

Col. G. H. CROSMAN,
Assistant Quartermaster-General, Philadelphia:

COLONEL: The following is a copy of a telegram this day sent you, viz:

Send a steam water-boat to Fort Delaware for service while so many prisoners are confined there. It is reported that the water is not good, and that there is much sickness attributed to the use of water, producing diarrhea. Take prompt measures to remove all ground of complaint.

M. C. MEIGS,
Quartermaster-General.

SURGEON-GENERAL'S OFFICE,
Washington, July 11, 1863.

Col. R. C. WOOD,
Assistant Surgeon-General, U. S. Army, Saint Louis, Mo.:

SIR: It is reported to the Commissary-General of Prisoners by Major Hendrickson, commanding, that the military prison at Alton, Ill., is infected with smallpox, from which the most faithful effort will not free it. You will please instruct a medical inspector to examine into the circumstances attending upon the existence, and more especially the persistence, of the disease in this prison, and to recommend to Major Hendrickson such means of disinfection, police, isolation, and vaccination as may be proper in the peculiar circumstances. It is not believed that it will be necessary to even temporarily close this prison, but should it prove so, the proper recommendations will be made by you in

*For reply, see Series I, Vol. XXVI, Part I, p. 634

the case. The Commissary-General will be requested to order Major Hendrickson to cordially second your views and efforts.

Very respectfully, your obedient servant,

JOS. R. SMITH,
Acting Surgeon-General.

[Indorsement.]

SURGEON-GENERAL'S OFFICE, *July 11, 1863.*

Respectfully furnished for the information of Col. William Hoffman, U. S. Army, Commissary-General of Prisoners, who is requested to instruct Major Hendrickson to co-operate with the medical authorities as within suggested.

JOS. R. SMITH,
Acting Surgeon-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 11, 1863.

Maj. Gen. A. E. BURNSIDE,
Commanding Department of the Ohio, Cincinnati, Ohio:

GENERAL: I have the honor to inclose herewith a roll of 124 paroled men now at Camp Chase, who were paroled during the month of May, singly or in small parties, without the necessary formality and delivering required by the seventh section of the cartel. Under recent orders and instructions, all paroles so given are null and void and the men so paroled should be ordered to their regiments without exchange. A number of them were paroled at Vicksburg, but if they were not delivered to a person authorized to receive them after due notice the paroles are not binding. For a time after the publication of General Orders, No. 49, irregular paroles were recognized, though forbidden by that order, and I have included in this list only those paroled after the 1st of May.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 11, 1863.

Maj. T. HENDRICKSON,
Commanding Military Prison, Alton, Ill.:

MAJOR: The Surgeon-General has to-day instructed General Wood at Saint Louis to order a careful examination of the prison to be made by a medical inspector, with a view to determine the best measures to eradicate from the prison the infection of smallpox which has so long prevailed there. Please afford the inspector every facility in your power to insure a thorough investigation of the subject.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *July 11, 1863.*

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware:*

GENERAL: You are respectfully informed that Colonel Crosman, assistant quartermaster-general, Philadelphia, has been directed to

correct the defect in the construction of the barracks lately erected at Fort Delaware, to which you call attention in your letter of the 7th instant.

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

NORFOLK, VA., *July 11, 1863.*

Major-General DIX:

Lieutenant Sanborn, of the colored regiment, was shot at the head of his company in Main street this p. m. by Doctor Wright and died immediately. Doctor Wright is in jail heavily ironed.

A. E. BOVAY,
Major and Provost-Marshal.

GENERAL ORDERS, } HEADQUARTERS MIDDLE DEPARTMENT,
No. 42. } *Baltimore, Md., July 11, 1863.*

Suitable and comfortable hospital accommodations will be provided for sick and wounded prisoners of war, the same as for soldiers of the Union.

On the arrival of wounded or sick rebel officers or soldiers in Baltimore, whose injuries or condition are such that in the opinion of the proper medical authority they should not be confined or sent for exchange with other prisoners, they will be immediately assigned and conveyed to the hospitals designated for them, there to remain on parole until they are sufficiently recovered to be removed for imprisonment or exchange. No other paroles of prisoners of war will be taken or recognized.

No rebel officer or soldier can be received or entertained in any private house or in any place other than the hospital to which he is regularly assigned by proper medical authority.

Separate hospitals for prisoners of war will be established.

No person not thoroughly loyal will be permitted under any circumstances to visit or have access to any military hospital.

If any person or persons within this department be found harboring, entertaining, or concealing any rebel officer or soldier in his or her house, or on his or her premises, or in any place after twenty-four hours from the publication of this order, the person so offending will be at once sent beyond the Union lines into the rebel States, or otherwise punished, at the discretion of the military authority.

The medical director of the Middle Department and provost-marshal of the Eighth Army Corps are charged to see that this order is strictly executed.

By command of Major-General Schenck:

WM. H. CHESEBROUGH,
Lieutenant-Colonel and Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 11, 1863.

Brig. Gen. JOHN H. WINDER:

GENERAL: The Government does not desire to detain the crew of the Arabian with any view of inflicting punishment. Their evidence, however, is very important in libeling the vessel, and they cannot be set

at large until that is taken. Instructions have been sent to North Carolina to initiate the proceedings, and as soon as practicable the crew will be examined. In the meantime you must retain them, but the Department desires that they may be afforded all conveniences and privileges consistent with their safe-keeping.

By order of the Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

C. S. MILITARY PRISON, *Richmond, Va., July 11, 1863.*

General J. H. WINDER, *Commandant of Richmond:*

GENERAL: We have the honor to address you a brief note in reference to a matter to us of great interest. You are aware in obedience to your order we were by lot selected from among the Federal captains for execution. No crime is charged against us, nor have we been guilty of any. It seems our lives are demanded as a measure of retaliation on our Government for the execution of two persons in Burnside's department of our army. Of these persons we know nothing, nor of the circumstances attending them. We never had any connection with that part of the army. We submit that under no circumstances should we be held to punishment for the alleged offenses of any other department of the army than that in which we served. Your authorities now hold in close confinement at Atlanta, Ga., two Federal officers, as follows: Capt. N. T. Kendrick, Third West Tennessee Cavalry, and Capt. D. E. Boharnace, for recruiting in Tennessee. These men were arrested and held, we understand, for the same persons we are held for. In addition to these you already hold other officers of like rank from Burnside's department. Innocent as we are of any offense against the rules of war, in the name of humanity we ask you if our lives are to be exacted for the alleged offense of other men in other departments of the army than that in which we served? We ask you to consider well our request.

We are, respectfully, your most obedient servants,

H. W. SAWYER,
Captain, First New Jersey Cavalry.
JOHN M. FLINN,
Captain, Fifty-first Indiana Volunteers.

BALTIMORE, MD., *July 12, 1863—11 a. m.*

Hon. E. M. STANTON, *Secretary of War:*

The following telegram came from Gettysburg last night:

GETTYSBURG, *July 11, 1863.*

Major-General SCHENCK:

GENERAL: Major Hall, of General Trimble's staff, was sent to Baltimore on the following order:

"GETTYSBURG, *July 8, 1863.*

"Major-General Trimble, Lieutenant Granger, Major Hall, and Private Champion, all of the C. S. Army, and prisoners of war, have permission to go to Baltimore, to report to medical director at that place.

"HENRY JAMES,
"*Surgeon in Charge of Hospitals About Gettysburg.*"

Major-General Trimble and others were not prepared to go on that day. On the following day Hon. Simon Cameron and General Moorhead called on me and remonstrated against sending them. They telegraphed the President and Hon. Mr. Stanton, representing that it was dangerous to send them to Baltimore, and asked that

they be sent to Harrisburg or Pittsburg. Having but one squadron of cavalry here, and not being able to send them under guard, I refused to issue a pass, and waited the arrival of some officer to assume command.

I have the honor to be, your obedient servant,

W. WILLARD SMITH,
Captain and Aide-de-Camp.

I do not know why Messrs. Cameron and Moorhead think it dangerous for Trimble to be brought here. The distance is less than to either Philadelphia or Pittsburg, and as to any just exasperation of loyal Baltimore citizens, he need have no fear that he will not be protected even at the scene of his traitorous and scoundrel acts.

The fact is he intended, and it was arranged at Gettysburg, that he should come here until it was found that he would have to fare like other prisoners, and not be treated with special consideration. Gettysburg is not in my department.

ROBT. C. SCHENCK,
Major-General.

WAR DEPARTMENT, *July 12, 1863—12.30 p. m.*

Major-General SCHENCK:

You seem to misunderstand the nature of the objection to General Trimble's going to Baltimore. His going there is opposed to prevent his meeting his traitorous associates there.

A. LINCOLN,
President.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Vicksburg, Miss., July 12, 1863.

Maj. N. G. WATTS,
Commissioner for Exchange of Prisoners:

MAJOR: The acceptance by Lieutenant-General Pemberton of the terms proposed to him for the surrender of this city on the 4th instant, making every person in the city connected with the Confederate Army as prisoners of war, and desiring as an act of courtesy to relieve you from the obligation of abstaining from further duty until properly exchanged, I wish now to release you unconditionally from such obligation.

You may then, major, regard yourself and the two gentlemen now serving as assistants as freely and unconditionally released from the time you pass outside of our lines.

I have the honor to be, your obedient servant,

U. S. GRANT,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 12, 1863.

Col. J. C. KELTON, *Assistant Adjutant-General:*

COLONEL: I am informed that Capt. H. W. Sawyer, First New Jersey Cavalry, and Capt. John M. Flinn, Fifty-first Regiment Indiana Volunteers, have been selected by lot and reserved for execution in retaliation for the execution of Captains Corbin and McGraw, as spies, by the order of Major-General Burnside.

I have the honor to inclose to you copies of correspondence with Mr. Ould on this subject in May last, when he informed me that two of our officers had then been selected for execution.*

It now seems that other two have been selected.

I respectfully and earnestly recommend that two Confederate officers now in our hands be immediately selected for execution in retaliation for the threatened one of Sawyer and Flinn, and that I be authorized to communicate their names to the Confederate authorities, with the proper notice.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 12, 1863.

Col. J. C. KELTON, *Assistant Adjutant-General:*

COLONEL: I have the honor to acknowledge the receipt of the instructions of the General-in-Chief† in reference to the case of Doctor Rucker.

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

ALEXANDRIA, *July 12, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have completed the list of disloyal persons to be sent out of Alexandria, Va., and send this notification, as ordered by you yesterday.‡

Respectfully,

H. H. WELLS,

Lieutenant-Colonel and Provost-Marshal-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 12, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: As understood by me, Doctor Rucker's alleged offenses were committed in West Virginia, within the territory militarily occupied at the time by the troops of the United States. If so, by the laws and usages of war your authorities have no jurisdiction in his case.

If you will release all our medical officers except Doctor Rucker I will send to you all we hold except one to be retained as a hostage for Doctor Rucker, who will be released when Doctor Rucker is released.

If it should be found that Doctor Rucker is properly retained under the cartel or found guilty and punished according to the laws and usages of war, the hostage will be given up. But if improperly

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*See Ould to Ludlow, May 22, beginning "I perceive," Vol. V, this series, p. 691, and Ludlow to Ould, May 25, beginning "Captains McGraw and Corbin," *ibid.*, p. 702.

† Of the 8th, p. 93.

‡ Probably an oral order, as no record of it can be found.

retained and punished retaliation will be resorted to. You have some chaplains in your hands. Will you deliver them?

Please send replies to the above by this flag of truce.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

SAINT LOUIS, *July 13, 1863.*

Hon. E. M. STANTON:

Mr. McKee, of the Democrat, a paper that has done more good for the Union and Government in Missouri and Illinois than any other in the land, has been arrested by Schofield for publishing President Lincoln's letter to General Schofield, which he obtained fairly. This arrest has aroused the indignation of the uncorrupted loyalists of this city, and is regarded as unkind and unjust and against the President's instructions in this same letter, an insult to true Union men and a special catering to a mongrel party of pestilent factionists.*

HENRY T. BLOW.

MEDICAL DIRECTOR'S OFFICE, MIDDLE DEPARTMENT,
Baltimore, Md., July 13, 1863.

Lieut. Col. DONN PIATT, *Chief of Staff, &c.:*

COLONEL: I have the honor to acknowledge your communication of this date,† calling attention to the condition of the rebel wounded lately arrived in this city.

I beg leave to represent I was first apprised of its approach when the train was in the immediate neighborhood of this city. Permanent and sufficient arrangements have been made upon Canal street for the care and distribution of arriving wounded, and the Northern Central Railroad is under positive and standing orders from the quartermaster to move the cars to that point. The Federal wounded were immediately sent there, and attended to by the surgeon in waiting. Medical Inspector W. H. Mussey, U. S. Army, who is charged by the Surgeon-General with the special duty of superintending the transportation of the wounded, visited at the time the upper depot and was informed, owing to many not being paroled, they would all be obliged to be sent to Fort McHenry. The assistant provost-marshal afterward called at this office, and, upon consultation with Doctor Mussey, it was decided to send the severely wounded to West's Hospital, and Captain French promised to order the cars to be sent there without delay, while the medical officers were notified from this office to receive them. Persons on this train expected another to follow, but no official announcement was made. This morning about 6 o'clock the surgeon in charge of the distribution reported the rebels had not arrived. It was then presumed they had all been taken to Fort McHenry. About 9 a. m. the assistant provost-marshal reported the cars had remained in North street all night, owing to the inability or neglect of the railroad company to remove them as ordered. He was requested to compel the company to convey them immediately to their destination. The railroad made no report whatever of their presence during the night. At the same time Captain

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*For other correspondence relating to arrest of William McKee, see Series I, Vol. XXII, Part II, pp. 366, 373–375, 383.

†Not found.

French reported another train had just arrived, containing well and wounded prisoners, paroled and non-paroled together, of whom it was necessary to send all who could travel to Fort McHenry. A medical officer was immediately sent to make the selections, which duty is not yet completed.

The difficulty lies, first, in sending mixed parties of prisoners without notification (which is beyond the control of this office), and, secondly, the failure of the railroad company to transfer the men to their proper destination, which this office can only remedy by the continuance of representations similar to those it has repeatedly made already.

For those wounded who are now in Fort McHenry it will require, I presume, the authority of the commanding general for their transfer to West's Hospital.

I have the honor to be, colonel, very respectfully, your obedient servant,

J. SIMPSON,
Surgeon, U. S. Army, Medical Director.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 13, 1863.

Lieut. Col. GEORGE SANGSTER,
Commanding Camp Parole, Annapolis, Md.:

COLONEL: If any paroled men have reported to you whose paroles are dated since the 22d of May last, their paroles are not valid and you will immediately send them, under the charge of a suitable officer and guard, to report to the provost-marshal-general, Army of the Potomac. Send the usual rolls and papers with them, and a copy of the roll to this office. If there are no men at the camp paroled since the 22d of May report the fact.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

P. S.—Men not belonging to the Army of the Potomac will be sent to the armies to which they belong.

W. H.

FORT MONROE, *July 13, 1863.*

Col. J. C. KELTON, *Assistant Adjutant-General:*

Did General Grant parole the officers at Vicksburg, and what is the whole number of officers and men captured?

WM. H. LUDLOW,
Lieutenant Colonel.

WASHINGTON, *July 13, 1863.*

Lieutenant-Colonel LUDLOW, *Fort Monroe:*

The officers and men captured at Vicksburg are being paroled. The number has not yet been reported by General Grant.

J. C. KELTON,
Assistant Adjutant-General.

WASHINGTON, *July 13, 1863.*

Lieut. Col. W. H. LUDLOW:

The Secretary of War has directed that no more prisoners of war be forwarded to City Point till further orders.

W. HOFFMAN,
Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 13, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Will you please send to me the paroles referred to in the inclosed communication* of Mr. Fox, and return to me the communication itself. Paroles taken and given prior to the 22d day of May last, if properly authenticated, will be counted in exchange, that date being after serving of the same upon Mr. Ould. Have you not also some paroles, taken by Stoneman and Kilpatrick in Virginia, and by Grierson in Mississippi, previous to the 22d of May? Please send to me all such, and I will endeavor to arrange them. I wish in my next interview with Mr. Ould in a few days to close up this whole matter of paroles.

I telegraphed you yesterday for information concerning Grant's captures. Did he parole both officers and men? What was the whole number of each? The steamers have not arrived with prisoners of war from Fort Delaware. I mean the second detachment, &c., estimated at 1,800. They returned from City Point last Monday and proceeded to Fort Delaware, intending to return immediately. I am going North in a few days and desire to close up, as far as possible, exchanges before I leave. If I had information about the paroles made at Vicksburg, Miss., I would offset against them immediately the deliveries made at City Point, and thus clean out Camp Parole. Can you not hasten the matter? Please reply by return mail.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 13, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have found here the list of Yazoo City captures about which I wrote to you this morning. I think I can use them in exchange.

Yours, respectfully,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

MILITARY PRISON, *Alton, Ill., July 13, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to report that seventy-nine prisoners of war, including four commissioned officers, were received here yesterday

* Not found.

from Memphis, Tenn. Rolls of these men will be forwarded as soon as they can be prepared. We have now in this prison about 1,500 prisoners, a number far too great for comfortable accommodation during the warm weather. In reference to this subject the following is an extract from the report of the medical inspector who inspected this prison on the 29th of May last:

That the capacity of the prison be considered as not greater than 1,000 and that not more than that number be confined at one time.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry, Commandant of Prison.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 13, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I have declared exchanged Lieutenant-General Pemberton; Major-Generals. Forney, M. L. Smith, and Bowen; Brigadier-Generals Barton, Lee, Cumming, Moore, Hébert, Baldwin, Vaughn, and Shoup; Colonels Reynolds, Waul, and Cockrell, and Brigadier-General Harris, of the Missouri militia, all of whom were recently captured and paroled at Vicksburg. You can take the equivalents out of the officers captured and paroled by us at Chancellorsville, or from privates, as you prefer.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 13, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: Your communication of the 7th instant in relation to stripping prisoners of their blankets, clothing, &c., has been appropriately referred. When the report is made I will furnish you with it.

In the meantime allow me to say that the complaint comes with very poor grace from your side. Confederate soldiers, East and West, have not only been "stripped" of their clothing, but have been robbed of the articles which they were invited to purchase.

As to the first point, see the correspondence between General Churchill and Colonel Hoffman; and as to the latter, ask any honest official around you who may be familiar with the doings of your provost guard at Fortress Monroe.

Your people do worse than rob Confederate soldiers of their needful clothing. You take away their health and strength. You yourself see the living wrecks that come from Fort Delaware—men who went into that cruel keep, hale and robust, men inured to almost every form of hardship and proof against everything except the regimen of that horrible prison.

General Bragg has already responded to the charges against him. You certainly must have forgotten his answer to the very complaint you now make.

He stated that his course was in retaliation for the course pursued by your troops and people in forcibly taking away from Confederate

soldiers not only necessary articles of clothing, but little tokens of affection of no value to any person except the party who was robbed. I commend his report to your attention.

In reference to your vague generalities against General Bragg, I can only say if you will give time, place, and circumstance you shall have full explanation. Colonel Kilpatrick sallies from Fortress Monroe, the headquarters of General Dix and staff, with orders to destroy the farming utensils of our people, that they may be reduced to starvation, and you, writing from the same place, complain that "blankets, medicines, and pocket money" were taken from your soldiers at Harpeth Shoals! Under the circumstances, the climax of "pocket money" is refreshing.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 13, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I will furnish you a list of all officers now held by us when you forward me one containing the names of our officers confined in your prisons. I have been asking you for such a list, as well as one of the political prisoners, for six months. As yet I have seen neither. At one time I furnished you a list of all officers whom we held in confinement.

Brigadier-General Graham is not here. None of the Gettysburg prisoners have arrived. Will you please explain the extraordinary delay in sending the Fort Delaware prisoners to us? They have been promised time and again, and yet are drinking the poisonous water that has sent so many of their fellows to the grave. In the name of that common humanity to which we all, though enemies, belong, I beseech you to use every power of influence you have to change the place of confinement of our soldiers. If it must be that they are to be kept in Fort Delaware, my next earnest entreaty is that they shall be speedily delivered to us. What possible excuse can there be for keeping the men who were captured at Baker's Creek such a length of time? Even with our limited means of transportation we always have your soldiers ready for delivery at an early day.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 13, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: In answer to your communication of the 12th instant, I inform you that Capt. Henry [W.] Sawyer, First New Jersey Cavalry, and Capt. John M. Flinn, Fifty-first Indiana Volunteers, are the officers who have been selected by lot in pursuance of the notice given to you in my letters of the 22d and 28th of May, 1863. As yet no day has been designated for their execution.

By the next flag of truce I expect to send you a communication more fully setting forth the views of the Confederate authorities in relation to the unjust and barbarous execution of Captains Corbin and McGraw and the measures of retaliation they have initiated.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT,
ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,
Richmond, Va., July 13, 1863.

Lieut. Gen. E. K. SMITH, *Commanding, &c.:*

GENERAL: Your communication of the 16th ultimo, inclosing copies of two letters dated 13th ultimo, addressed by you to Maj. Gen. R. Taylor, in regard to the disposition to be made of negroes and their officers captured in arms, has been received and submitted to the Secretary of War, by whom I am directed to say that a different policy than that suggested by you is recommended. Considering the negroes as deluded victims, they should be received and treated with mercy and returned to their owners.

A few examples might perhaps be made, but to refuse them quarter would only make them, against their tendencies, fight desperately.

I am, general, very respectfully, your obedient servant,

H. L. CLAY,
Assistant Adjutant-General.

SAINT LOUIS, MO., *July 14, 1863.*

A. LINCOLN, *President of the United States:*

Be assured that, whatever you may have heard, the arrest of McKee had nothing whatever to do with his political position. This can be fully and satisfactorily explained.*

J. O. BROADHEAD.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, July 14, 1863.

Capt. CHARLES A. REYNOLDS,
Assistant Quartermaster, U. S. Army, Washington:

CAPTAIN: You will please proceed at once to Rock Island, Ill., and take charge of the construction of a depot for prisoners of war which it is proposed to establish there. The working plans of the buildings which it is proposed to erect you will obtain at the Quartermaster-General's Office.

The plans give merely the dimensions of the buildings with a general arrangement of the whole work, to be modified, however, as the character of the ground shall render necessary. A fence to surround the prisoners' barracks, as shown in the plan, will be constructed twelve feet high, with a sentinel's walk all around on the outside four feet below the top.

If it is found impracticable to dig wells on account of the rock substruction of the island, an arrangement to procure water from the river by force-pumps and pipes will have to be made. In that event, which should be determined at once, a report and an estimate of the probable cost should be immediately forwarded to this office.

In having mechanics and laborers, and in purchasing the materials for the construction of this depot, you will be governed by the strictest economy consistent with the completion of the depot at the earliest practicable period.

M. C. MEIGS,
Quartermaster-General.

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* For reply, see Series I, Vol. XXII, Part II, p. 375.

BALTIMORE, *July 14, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

General Schoepf telegraphs me that he has now 9,040 prisoners of war at Fort Delaware, and cannot receive any more.

ROBT. C. SCHENCK,
Major-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 14, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: I decline to unite with you in your declaration of the exchange of the officers named by you in your communication of the 13th instant, just received, and who form a part of those captured at Vicksburg.

In violation of the cartel you now hold in close confinement many of our officers, though their release was long ago demanded and their equivalents tendered to you. You even permitted these equivalents to be sent back to Fort Monroe from City Point. In this position of affairs and being in entire ignorance of what you propose to do with our officers now in your hands, I must decline any special arrangements until we meet. This meeting, with your consent, will take place as soon as I shall have received the paroles of the Vicksburg captures. Please, therefore, notify the officers named by you that their exchange cannot be recognized by our authorities until the declarations be united in by me.

In making arrangements with you for exchanges of paroles of officers I shall expect to exhaust equivalents of equal rank before we take up those of higher rank.

To settle all difficulties connected with exchanges of officers I again invite you to a return to the cartel, and if you refuse I again ask you why such refusal?

I am, very respectfully, your obedient servant,

WILLIAM H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

P. S.—The declaration of exchange made by you on the 2d instant leaves you in debt to me between 800 and 900 men. Please make no more declarations until we meet.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 14, 1863.

Maj. I. H. CARRINGTON:

SIR: You are hereby appointed a commissioner and directed to report to General Winder, and under his supervision to proceed to examine such persons as are held in custody in the city of Richmond on charges affecting their loyalty to the Confederate States, making report thereon through General Winder to this Department.

Your obedient servant, JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, July 14, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: I have the honor to inform you that there are some Federal prisoners in this department whose cases present some important

questions of military law on which I beg to ask that you will do me the favor to give me such instructions as you may deem proper.

Some of the prisoners are officers in the Federal army, caught within the lines of this department attempting to enlist recruits. Others are enlisted men secretly visiting their homes. All were at the time they entered the Federal service citizens of Tennessee, which State was then a member of the Southern Confederacy.

The first question which suggests itself is, are they traitors?

I have gathered from the practice of both Governments during the war that they recognized the right of citizens of each to leave their country and take service under the other belligerent, provided this was done before there were laws of conscription or others of like character creating present military obligations. The act of departure and the taking of arms seem to have been considered as an initiatory step of expatriation, giving the person a character somewhat similar to that of a foreigner who has made an official declaration of an intention to become a citizen. The examples of this are to be found in the case of citizens of Maryland and Delaware in the Confederate service, and of citizens of many of the Southern States now in the Federal Army. How far the doctrine intimated in some of the books on public law, that in civil wars time is given to all citizens to choose the flag they will support, has any bearing on the case, is a question I merely suggest without meaning to express an opinion.

If the prisoners are not traitors, are they spies?

As a general rule, the armed citizens of one belligerent can offer no excuse or justification for being within the territory of the other except for battle. If caught it seems that they are liable to other treatment than that which is extended to prisoners of war taken on the field. General Burnside, commanding the Department of the Northwest, has declared that by the laws of nations they are spies, and I have reason to believe that he has lately caused two such persons to be hanged. It is suggested by some that a soldier cannot be deemed a spy without he be captured within the actual lines of the army. By others it is maintained that this view is too narrow, and that a soldier caught within the territory occupied and held by the enemy cannot defend against the charge of being a spy, except by showing that he was there for the purpose of giving battle. It is said that an exploration of the territory of an enemy is as criminal in point of military law as an entry within the camp lines of an army, and stamps the offenders with a similar character.

Section 2 of the 101st Article of War designates those persons not citizens of the Confederacy who shall be found lurking in and about the fortifications and encampment of the Confederate Army as spies. From this it might be inferred that Congress did not deem those persons spies who entered our territory without they should be found in proximity to our armies. It seems also to affirm that a citizen cannot be a spy, the lesser military crime being merged into the graver one of treason. The same article of war is to be found in the Federal code, yet judging from the order of General Burnside he seems to have a different view from that suggested above of what by military law constitutes a spy.

If the prisoners be considered spies, by what tribunal are they to be tried?

I presume it may be stated as a general rule, applicable to public as well as to domestic criminal law, that there cannot be two different tribunals or courts having concurrent jurisdiction of the same offense. General Bragg has ordered spies to be tried by a court-martial. General Rosecrans ordered Maj. Orton Williams to be tried by a

"drumhead" court-martial, and by that anomalous tribunal the prisoner was hanged. There are instances familiar to you in military history in which spies have been tried by a special commission ordered by the commander of an army. But it is said that even if such a court as a special commission be recognized by the usage of war it can only sit in a foreign country occupied by an army. This proceeds upon the assumption that at home there can be no adjudication except by the legally established tribunals of the land.

The article of war above referred to confers jurisdiction upon courts-martial to try a certain class of spies, that is, those persons of foreign birth or service found lurking in and about the fortifications or encampments of the Confederate Army. The words "according to the law and usage of nations" seem to refer to the kind of punishment to be inflicted and not to the tribunal to try. Express delegation of power to try only one class or kind has suggested a doubt whether courts-martial which have no implied power, and derive their existence in this country at least entirely from the letter of the law creating them, have any jurisdiction over other classes of spies in the absence of direct authority.

You will allow me to recapitulate the questions:

First. Are the prisoners either traitors or spies?

Second. If spies, by what court are they to be tried?

Third. If neither, what disposition shall I make of them?

I have taken the liberty of suggesting at some length the doubts in my mind, so that by perceiving the points on which I need instruction you can easily see the character of the information to be given.

Trusting that the anxiety I exhibit to act advisedly and in a manner consistent with the dignity and honor of my Government in a matter affecting its relations with the enemy will be received by you as an apology for the communication I have written,

I remain, general, with great respect, your obedient servant,

S. B. BUCKNER,
Major-General, Commanding.

WASHINGTON, *July 15, 1863.*

Colonel LUDLOW,
Agent for Exchange of Prisoners of War:

The President directs that you immediately place General W. H. F. Lee and another officer selected by you not below the rank of captain, prisoners of war, in close confinement and under strong guard, and that you notify Mr. R. Ould, Confederate agent for exchange of prisoners of war, that if Capt. H. W. Sawyer, First New Jersey Volunteer Cavalry, and Capt. John M. Flinn, Fifty-first Indiana Volunteers, or any other officers or men in the service of the United States not guilty of crimes punishable with death by the laws of war, shall be executed by the enemy, the aforementioned prisoners will be immediately hung in retaliation. It is also directed that immediately on receiving official or other authentic information of the execution of Captain Sawyer and Captain Flinn, you will proceed to hang General Lee and the other rebel officer designated as hereinabove directed, and that you notify Robert Ould, esq., of said proceeding, and assure him that the Government of the United States will proceed to retaliate for every similar barbarous violation of the laws of civilized war.

H. W. HALLECK,
General-in-Chief.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 15, 1863.

Brig. Gen. A. SCHOEPF,
Commanding Fort Delaware, Del.:

GENERAL: By direction of the Secretary of War, you will please order to the depot on Johnson's Island, near Sandusky, Ohio, under a suitable guard, the rebel officers now held at Fort Delaware as prisoners of war. A roll of them has just been received at this office, and it will only be necessary to report here the names of those who are not sent, or may have been otherwise disposed of. Please notify the commanding officer at Johnson's Island of the day of their departure. You will also please order the sick and wounded who cannot be conveniently provided for in your hospital to the general hospital at Chester, Pa., which has been designated by the Surgeon-General for their reception.

Very respectfully, your obedient servant,
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 15, 1863.

Brig. Gen. W. A. HAMMOND,
Surgeon-General, U. S. Army, Washington, D. C.:

GENERAL: The Secretary of War directs that until the hospital for prisoners of war is erected at Fort Delaware the sick and wounded who are now there and cannot be conveniently provided for be transferred to the nearest hospital where they can be received. Will you please designate the hospital to which they may be sent and give the necessary instructions for their reception?

Very respectfully, your obedient servant,
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 15, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, Fort Monroe, Va.:

COLONEL: Your letter of the 13th instant is just received, and in part I have replied to it by telegram. The roll of paroled prisoners to which Mr. Fox refers as having been sent to me was forwarded to you in my letter of the 26th ultimo. Before delivering you my letter of the 20th May, inclosing orders on the subject of paroles, I consulted the General-in-Chief as to the application of these orders, and he decided that paroles then existing given since the publication of General Orders, No. 49, in violation of its provisions, should not be recognized except under some peculiar circumstances. (See my letter of the 9th of June.) I inclose herewith the list of men captured and paroled by General Stoneman's command, referred to in that letter. I understand your letter to cover a little wider ground; that is, all paroles taken or given before the 22d May, properly authenticated, will be recognized for exchange. The roll of paroled rebels received from the Navy Department and that from General Stoneman are the only rolls of the kind I have received.

I forward by this mail three lists of Federal troops captured and paroled in March and April. As soon as General Grant's report is received at the War Department I will give you the particulars as to numbers, &c. The prisoners of war are still held at Fort Delaware by order of the Secretary of War. We have, I think, only 12,000 to 15,000 men to be exchanged and we hold near 50,000 of the enemy.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 15, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose to you a copy of letter to Mr. Ould. As the correspondence between Davis and Stephens, published in the inclosed* paper, contains gross misstatements, would it not be well to have my letter to Mr. Ould published as a corrective?

A copy of the communication and protest of the 14th June referred to was sent to you.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 15, 1863.

Hon. ROBERT OULD,
Agent for Exchange of Prisoners:

SIR: In the letter of July 8 of the Hon. Alexander H. Stephens to Hon. Jefferson Davis, giving a report of his mission, appears the following statement:

> The reasons assigned for the refusal by the United States Secretary of War, to wit, that "the customary agents and channels are considered adequate for all needful military communication and conferences," to one acquainted with the facts, seems not only unsatisfactory, but very singular and unaccountable; for it is certainly known to him that these very agents to whom he evidently alludes, heretofore agreed upon in a former conference in reference to the exchange of prisoners (one of the subjects embraced in your letter to me), are now and have been for some time distinctly at issue on several important points. The existing cartel, owing to these disagreements, is virtually suspended so far as the exchange of officers on either side is concerned.

As in this statement Mr. Stephens appears to be unacquainted with the facts, may I ask you will inform him that exchanges of prisoners of war and the settlement of the intricate and troublesome questions connected therewith were being proceeded with successfully by us until the issue of the proclamation of the Hon. Jefferson Davis on the 23d of December last, which, in gross violation of the cartel, reserved for execution certain of our captured officers and men.

Will you also please inform Mr. Stephens that in your and my anxious desire to alleviate the horrors of war, the proclamation after a little delay was ignored and exchanges of officers were resumed?

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* Paper not found, but see Davis to Stephens, July 2, and Stephens to Davis, July 8, pp. 74, 94.

That the exchanges were again interrupted in May last by the operation of an act of the Confederate Congress, which was another gross violation of the cartel and the laws and usages of war, and which consigned to execution and other punishments certain of our captured officers and men. Will you please furnish Mr. Stephens with a copy of my communication to you and protest of 14th of June last on this subject, and also inform him that under that act of Confederate Congress your authorities now retain in close confinement large numbers of our officers, though their release has been demanded and equivalents in your officers tendered, which equivalents have been sent back to Fort Monroe from City Point?

Please also inform him that I have again and again invited your authorities to a return to the cartel in exchange of officers, and that such invitation has not been responded to.

I cannot but believe that with a statement of these plain facts so well known to you and to me, Mr. Stephens will readily see that your authorities are alone at fault, and that he will in the humane spirit with which he entered on his mission earnestly recommend the ignoring or repeal of the act of your Congress, which is such a clear violation of the cartel, and a fruitful—I may say only—source of the practical difficulties now surrounding the exchange of officers.

I have indulged the hope that the magnanimous treatment of your officers captured at Vicksburg, and their release upon parole, would have prompted the immediate release on parole of all our officers held by you.

That hope I have not abandoned.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,

Fort Monroe, July 15, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I herewith inclose to you a receipt. My instructions to Captain Fillebrown, assistant adjutant-general, who came on in charge of prisoners of war from the West, were to distribute the money and valuables to the prisoners themselves, taking their receipt therefor, before delivering them at City Point.

I see a statement in the Richmond papers that these packages contained counterfeit Confederate money instead of the real money which was taken from the prisoners at Alton. The matter has not yet been brought officially to my notice, though I suppose it soon will be.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

[Inclosure.]

CITY POINT, VA., *June 8, 1863.*

Received of Capt. H. C. Fillebrown, assistant adjutant-general, U. S. Volunteers, forty-nine packages containing money and valuables.

J. H. THOMPSON,

Captain, Commanding at City Point.

CLEVELAND, OHIO, *July 15, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

Vallandigham arrived at the Clifton House to-day. He issued an address to Democracy of Ohio. Attempt was made to telegraph it to Chicago Times, but I thought proper to refuse it. The address commences as follows:

Arrested and confined for three weeks in United States as a prisoner of state; banished thence to the Confederate States, and thence held as an alien enemy and prisoner of war on parole, fairly and honorably dealt with and given leave to depart—an act possible only by running the blockade—I found myself first a free man when on British soil, and to-day under protection of the British flag. I am here to enjoy, and in heart to exercise, the privileges and rights which usurpers insolently deny me at home. The shallow contrivance of the weak despots at Washington and their advisers have been defeated. Nay, it has been turned against them, and I, who for two years was maligned as in secret league with the Confederates, having refused when in their midst, under circumstances the most favorable, either to identify myself with their cause, or even so much as to remain, preferring rather exile in a foreign land, &c.

A. STAGER.

[JULY 15, 1863.—For Davis to Johnston, stating purpose to "insist on immediate discharge" of Vicksburg paroled prisoners and their return to duty, see Series I, Vol. XXIV, Part I, p. 202.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 16, 1863.

Col. J. C. KELTON,
Asst. Adjt. Gen., Hdqrs. of the Army, Washington:

COLONEL: I have the honor to report that, pursuant to the instructions of the General-in-Chief, I have selected by lot one of the captains held as prisoners of war in the Old Capitol Prison to be placed in close confinement. The lot fell upon Capt. R. H. Tyler, Eighth Virginia Infantry, and I have communicated to General Martindale the general's orders to place him in close confinement.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 16, 1863.

Brig. Gen. O. B. WILLCOX,
Commanding, Indianapolis, Ind.:

GENERAL: I have the honor to inclose an extract* from a report by a medical inspector on the condition of the hospital at Camp Morton, and I respectfully request you will give such orders as will insure a better condition of the hospital and camp, so far as any improvement is practicable. When Camp Morton was first occupied by prisoners of war an extension to the city hospital was constructed for their benefit capable of receiving 300 patients, and as nothing is said about it in this report I am led to believe that it has been appropriated to other uses. Will you please inform me on this point; and unless there is

* Not found.

some sufficient obstacle in the way, have the building used for the purpose for which it was erected.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 16, 1863.

Maj. T. HENDRICKSON,
Commanding Military Prison, Alton, Ill.:

MAJOR: Your two letters of the 11th instant have been received. The citizen prisoners captured in Tensas Parish, La., referred to in one of these letters, will be placed on the lists for exchange, and the purchase of clothing for the destitute female prisoners mentioned in the other letter will be paid for out of the prison fund. All expenditures for such articles as may be necessary for prisoners and not otherwise provided for will be purchased and paid for out of that fund.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DISTRICT OF NORTH ALABAMA,
July 16, 1863.

Brig. Gen. G. M. DODGE,
Commanding District of Corinth:

GENERAL: I am instructed by Colonel Roddey to inform you that he is now prepared to exchange for the men of Colonel Forrest's regiment captured by your forces a few days ago. Captain Spencer thought there were about forty. If you are willing to make the exchange please send list of prisoners you have on hand and suggest the time and place of meeting, so that the time is not less than five days from this date.

The colonel is very anxious that men of his command be retained by you for exchange, so as to save the traveling so far around, especially those who are feeble and unable to travel. He furthermore is willing to return the favor whenever practicable.

I am, general, very respectfully, your obedient servant,

F. M. WINDES,

Captain and Assistant Adjutant-General.

SECESSIONVILLE, *July 16, 1863.*

Captain NANCE:

Thirteen prisoners Fifty-fourth Massachusetts, black. What shall I do with them? They say that there are eight regiments on the lower part of Legaré's plantation, six white, two black. The black regiments are Fifty-fourth Massachusetts and Second South Carolina. Montgomery commands on James Island. Gillmore's headquarters are at Campbell's house on Folly Island. He has promised his troops to be in Charleston on Sunday next. There are 15,000 troops in his command, of which two regiments are left at Beaufort, the balance before Charleston. Two of the prisoners are refugee slaves, the balance free.

JOHNSON HAGOOD,

Brigadier-General, Commanding.

[Indorsement.]

HDQRS. FIRST MIL. DIST. OF S. C., GA., AND FLA.,
Charleston, July 16, 1863.

Respectfully forwarded.

The negroes have been ordered sent to the city to-morrow under a strong guard, without their uniform.

In the absence and by command of Brigadier-General Ripley:

WM. F. NANCE,
Assistant Adjutant-General.

CHARLESTON, S. C., *July 16, 1863.*

General THOMAS JORDAN, *Chief of Staff:*

GENERAL: It has been suggested by my brother, Mr. D. W. Branch, that the difficulty of holding that portion of Morris Island now in the possession of the enemy (after we shall have retaken it) might be gotten over by establishing a camp there for holding under heavy guard all Yankee prisoners, officers and privates, until it can be strongly fortified.

These prisoners to be exposed during our operations.

Very respectfully, &c.,

JOHN L. BRANCH.

SURGEON-GENERAL'S OFFICE,
Washington, July 17, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: The Secretary of War has approved of a suggestion made by the Surgeon-General that such of the rebel wounded as are able to travel be sent as soon as practicable to the rebel States, and has directed the Surgeon-General to consult with you on the subject. You are respectfully requested to give your views and suggestions on this subject.

By order of the Surgeon-General:

Very respectfully, your obedient servant,

JOS. R. SMITH,
Surgeon, U. S. Army.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 17, 1863.

Brig. Gen. W. A. HAMMOND,
Surgeon-General U. S. Army, Washington, D. C.:

GENERAL: In reply to your letter of this morning in reference to sending wounded rebel prisoners to the rebel States, I have the honor to advise you that at this time, by direction of the Secretary of War, no prisoners of war are being delivered, and when deliveries are made it must be done at the places named in the cartel. I will inform you when the delivering of prisoners is resumed, and from that time it will probably be most convenient for the convalescents to be sent from hospitals from time to time to Fort Delaware, to be forwarded by the first opportunity.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 17, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: In my communication to you of the 13th instant, declaring the exchange of certain officers who had been captured and paroled at Vicksburg, I only did what you yourself have frequently done. On at least one occasion you went further than I presumed to go. You declared your men exchanged when you had no equivalents to offer. You say in your letter of the 14th instant that you decline to unite with me in my declaration, and request me to notify the officers that their exchange cannot be recognized. I call your attention to the fifth article of the cartel, which provides that "each party, upon the discharge of prisoners of the other party, is authorized to discharge an equal number of their own officers or men from parole." I have exercised a clear right under the cartel—one that you have exercised over and over again. I have already delivered to you the equivalents of these officers, which equivalents you may declare exchanged.

My right to declare these officers exchanged does not depend upon your assent. After I have given you equivalents their exchange is perfected by my declaration, whether you decline to unite with me or not. I shall not, therefore, give the notice which you request.

The officers referred to are already rightfully and properly exchanged. The right to declare officers and men exchanged, where equivalents have been delivered, is one that I cannot yield, and I am unwilling to bind myself by an agreement not to exercise that right "until we meet."

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CHARLESTON, S. C., *July 17, 1863—6 p. m.*

S. COOPER, *Adjutant and Inspector General, Richmond, Va.:*

Enemy still actively constructing batteries on Morris Island. Since our reconnaissance of yesterday he has evacuated James Island, concentrating his forces on Little Folly and Morris Islands. His loss yesterday was about forty negroes killed and fourteen prisoners; several of latter claim to be free, from Massachusetts. Shall they be turned over to State authorities with the other negroes?

G. T. BEAUREGARD.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Vicksburg, Miss., July 18, 1863.

Maj. Gen. J. B. MCPHERSON,
Commanding Seventeenth Army Corps:

GENERAL: You will take immediate charge of transporting to the steamer and embarking of the Confederate sick and wounded for New Orleans or other points to which they are to be transported by water.

Make requisitions on Lieutenant-Colonel Bingham, chief quartermaster, for river transportation and for such land transportation, ambulances, &c., as you may require, and for medical and commissary supplies on the medical director and chief commissary of the department. You will see that this order is promptly executed.

By order of Maj. Gen. U. S. Grant:

JNO. A. RAWLINS,
Assistant Adjutant-General.

BALTIMORE, *July 18, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Will you please ascertain the decision of the Secretary of War about the delivery of Confederate prisoners of war at City Point? I have no reason to believe that any such prisoners are put in the field without having been properly exchanged, and I fear that unless deliveries continue no more of our men will be delivered. If it is intended to go on with deliveries please direct Lieutenant-Colonel Pelouze, assistant adjutant general, Seventh Army Corps, at Fort Monroe, to send Major Mulford with the flag-of-truce boat New York to Fort Delaware for the prisoners. Please notify me by telegram directed to me at 20 Amity place, New York, what the decision of the Secretary of War is. All communications so directed will reach me at the above-named address until the 25th instant. After that date I shall be at West Point. Please keep me informed of matters relating to prisoners by telegraph or letter. If I am needed at Fort Monroe I will at any time immediately proceed there to attend to the business requiring my attention, without any reference to my leave of absence. Please answer the receipt of this. I go to New York to-day.

I am, very respectfully,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

P. S.—If objections be made to sending the fresh captures the old ones already enrolled and waiting transportation might be sent. There are about 1,800 of them.

W. H. L.

WAR DEPARTMENT, *Washington, July 18, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: In obedience to your order of this date I proceeded to the prison ship off Alexandria and examined the prisoners therein as directed, and have the honor to report as follows: I examined fully seven of the prisoners, who were the petitioners or leaders, separate and apart, and twenty-seven others en masse. The seven leaders swore that they were from Loudoun County, Va., taken about the 21st of June, ultimo, and carried to Generals Meade's and Pleasonton's headquarters; thence to the prison ship, as they supposed, by order of General Patrick. They severally swore that they had never given any aid or information to the rebels, but had fed them just as they had fed the Union soldiers. They also swore emphatically that they would not take the oath of allegiance to the United States because they were citizens of Virginia and owed their allegiance to that State, and that they sympathized with the South, but if Virginia went back into the Union then they would willingly take the oath of allegiance to the United States. They all swore that they would willingly give their parole under oath not to aid, comfort, or give information to the rebels. These seven leading men swore substantially the same, evidently by consent, and they said the other twenty-seven men, all from Loudoun County, Va., and vicinity, and taken at the same time, would swear the same. I then examined the twenty-seven other men en masse, but interrogated each separately, each saying he had never given aid to the rebels, each positively refusing to take the oath of allegiance, and each willing to give his sworn parole not to aid, comfort, or give information to the rebels unless conscripted into the

rebel army. The seven leaders are intelligent, educated men—three physicians and one teacher, the others their blind followers. Two men, John Dunlane and Richard Wilson, said they would heartily take the oath of allegiance, and had never aided the rebellion, but both were arrested as spies. Three men, Patrick Wallace, John McGraue, and Frank Barry, were British subjects, and are willing to swear not to aid the rebellion, and that they never have. The prison ship has been ordered by General Patrick to Washington to-morrow, and at 10 o'clock to deliver the prisoners to Captain Todd, and I await your orders to execute at that hour, when the ship arrives at Sixth Street Wharf. I discharged no prisoners, as your orders could better be executed here to-morrow a. m. than at Alexandria at 8 p. m. this day. I have the names of all the prisoners.

Respectfully submitted.

L. C. TURNER,
Judge-Advocate.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 18, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I return the inclosed unsigned communication,* not knowing whether it was written by you or intended to represent your views. I am sustained in that doubt, not only by the fact that the paper is without your signature, but by the extraordinary nature of some of the paragraphs. If it really does embody your views you can send it to me with your signature.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 18, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: Some months ago I called your attention to the case of Capt. Robert W. Baylor, who was captured last year in Virginia and who was held upon some charges. I have understood that after many delays a court was convened in his case, but that he was not allowed to choose his own counsel or introduce any witness in his behalf who would not take the Federal oath of allegiance.

Can you inform me what was the finding of the court in the case or whether there was any finding, and if there was no finding what is proposed to be done with Captain Baylor? His case is certainly a very hard one. He is entirely innocent of the charges preferred against him. He has been a prisoner for more than five months and has been very roughly treated. Even now he has no bed and not a seat to sit upon. How do these things happen?

I hope this communication will meet a different fate from most of the others wherein I have ventured to make specific inquiries or bring particular cases to your notice. I trust I shall at least receive some answer.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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* Not found.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 18, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I have learned from a reliable source that Maj. C. B. Owsley has been tried at Bowling Green, Ky., as a spy or for recruiting in Kentucky. Major Owsley was acting under orders from Major-General Wheeler. Will you please inform me as to the fact and what has been the result?

I am credibly informed that there are quite a number of our soldiers captured early in last year who are now held at Ship Island. Your notification to General Banks seems to have worked no results. Of the First Louisiana Regiment there are Privates McLane, Kane, Doyle, Smith, Stanley, and others captured in May, 1862, and now at Ship Island. Also Capt. William McLane, Capt. F. Taylor, Lieut. Ulysses M. Wattigny, of the Thirtieth Louisiana Regiment; William Gant and John How, of the Stuart Cavalry; and citizens J. G. Browne and Marshall. These officers and soldiers have all been declared exchanged, and yet in violation of our agreements are still held in confinement.

In one of my former communications I asked you why you held on to Lieutenant Baker, who was captured with Colonel Morehead. Lieutenant Baker was and probably is at Fortress Monroe. You have not responded. I wished to know what was the ground of distinction between Colonel Morehead and Lieutenant Baker. Lieutenant Baker is exchanged by our agreements. Will you please answer?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 18, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: Can you inform me where Lee A. Dunn, a member of the King William Home Guard, who was captured in the vicinity of Nelson's Bridge a short time ago, is? The officer in command of the Federal forces threatened to hang every man of the Home Guard who was captured. It is represented to me that Captain Compton is confined in a dark cell, 4 by 10 feet, and manacled, and that his health is becoming so much affected by his confinement that a few weeks more will suffice to cause his death. Will you inform me whether this is so, and also what it is proposed to do with him?

I also learn that Major Armesy (or Ormesby) and Lieutenant Davis are to be tried on the charge of recruiting within your lines. I understand they are confined in a cell. I am also informed that Capt. William F. Gordon is in close confinement, and that he either has been or is to be tried upon some charge.

I also learn that Captain Camp has been put in solitary confinement.

I will thank you to inform me what are the charges respectively against these officers and what has been done with them, and especially whether the representations herein made are true. They are all confined at Fort McHenry.

I will also be obliged to you if you will inform me whether it is the intention of your Government to continue to try our officers on the charge of recruiting within your lines, and on conviction visit them with the death penalty.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS, *Charleston, S. C., July 18, 1863.*

Col. J. L. BRANCH, *Charleston, S. C.:*

COLONEL: I have to acknowledge the receipt of your communication of the 16th instant proposing that the portion of Morris Island now occupied by the enemy after it shall have been retaken might be held and fortified by exposing our prisoners to the enemy's fire.

In reply the commanding general directs me to say that it is not considered in accordance with the usages of war to use our prisoners as a means of defense or protection.

Respectfully, your obedient servant,

THOMAS JORDAN,
Chief of Staff.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, July 19, 1863.

Lieut. Col. WILLIAM H. LUDLOW,
Agent for Exchange of Prisoners, New York City:

COLONEL: Your letter of yesterday is just received. I am informed by General Hitchcock that there will be no more deliveries of prisoners of war until there is better understanding in relation to the cartel and a more rigid adherence to its stipulations on the part of the rebel authorities. Preparations are to be made at once for the establishment of a camp where prisoners of war who cannot be held at places now appropriated to them may be held until the matter of exchanges is satisfactorily arranged.

It is desirable that our paroled prisoners, about 10,000 I think, should be exchanged for as many of the rebels paroled by Grant as will balance the account, but this can only be done after we receive the rolls of his captures from which to select the regiments making up the requisite number to be exchanged.

I will be obliged to you if you can direct that rolls of any prisoners received at Fort Monroe from the South be sent to me as early as practicable.

It is necessary that I should have rolls of all prisoners of war captured to enter in our books, and when rolls of exchanged prisoners are received the books are made to correspond. If I wait to get these rolls until the exchange is made, it is attended with much inconvenience in making the records, and, besides, in the meantime I do not know what prisoners we have.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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20 AMITY PLACE, *New York, July 19, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: If it has been decided not to send the prisoners of war from Fort Delaware to City Point, would it not be best to be sending the Confederate wounded there? The steamer New York, under charge of Major Mulford, can be used, as she is well calculated to carry sick and wounded. If you so desire you can telegraph Lieutenant-Colonel

Pelouze, assistant adjutant-general at Fort Monroe, who will communicate the order to Major Mulford.

I am, very respectfully,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

P. S.—Please inform me of arrangements, &c. I shall be here until the 24th; after that date at West Point.

W. H. L.

CITY POINT, *July 19, 1863.*

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: One of the political prisoners sent by the New York on her present trip, Mr. John Glenn, I have refused to receive. In an interview with him he declares that he is a citizen of Maryland; that he owes allegiance to the United States; that he owes none to the Confederate States, and will refuse to take any oath of allegiance to the same. I shall continue to refuse any person who holds the same doctrine. It is therefore useless for you to send such.

Respectfully,

RO. OULD,
Agent of Exchange.

MILITARY PRISON, *Alton, Ill., July 19, 1863.*

Col. W. B. MASON, *Seventy-seventh Ohio Volunteers, Alton, Ill.:*

COLONEL: I have imformation from a reliable source that the Confederate prisoners confined in this prison have it in contemplation upon the first favorable opportunity some dark night to attempt their escape by overpowering the guard or by some other means which may appear to them most feasible. To guard against the possible success of any such scheme on the part of the prisoners, I have to suggest that the prison guard may be increased by the addition of one subaltern and twenty-five men, to report to the officer of the day at sundown this evening, and that this increase to the guard may be continued so long as the prison is full, as it is at present.

I am, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major, U. S. Army, Commanding the Prison.

JOHNSON'S ISLAND, *July 19, 1863.*

Major PIERSON, *Commanding Post:*

MAJOR: We, the undersigned, desire to make the following statement of facts and call your attention to the same:

April 26, 1863, General Marmaduke, of the Confederate Army, attacked the post of Cape Girardeau, Mo., then held by General John McNeil, as commander and ranking officer of the U. S. forces there. We, with a Captain Woodsmall and First Lieut. William H. Ferrill, were wounded and left in General McNeil's hands as prisoners, thus making one major, two lieutenants, and one captain held by General McNeil. General Marmaduke in retreating captured one major and three captains, which in the course of a week he sent to Cape Girardeau under a flag of truce, and proffered to exchange them for his wounded officers.

General McNeil, through his assistant adjutant-general, Lieut. F. L. Cramer, negotiated this exchange. General Marmaduke then released the said Federal officers in his possession, General McNeil giving him an official written obligation that as soon as General Marmaduke's officers were sufficiently able to travel he would send them to his lines, and Lieut. William H. Ferrill, less badly wounded than the rest, did return to his lines with the escort that came with the Federal officers.

We remained in the hospital seven weeks and then applied for a pass and escort through the Federal lines. It was not given for some reason unknown to us, but during this time General McNeil was wounded and went away; Adjutant Cramer went to his regiment at Pilot Knob, Mo., and General Davidson, who commanded the district, ordered us to Myrtle Street prison, Saint Louis, where we remained three weeks, and from thence to this place.

The Federal officers who were given for us are now at liberty, and we are not only prisoners, but are held just as all other officers, and may perhaps remain in prison an indefinite time, and that, too, when General McNeil pledged his official word we should be sent to our lines when able to be moved, and upon such positive assurance did General Marmaduke release the Federal officers. To prove that the agreement was perfectly understood Lieutenant Ferrill was sent through, he being well enough to ride.

We write you this, major, to know whether we cannot be sent through to our lines, hoping you will have the matter investigated. For the truth of every assertion we have made we will refer you to General McNeil, F. L. Cramer, his then adjutant, but now adjutant of the First Nebraska Infantry, and to Adjutant Poole, of the post of Cape Girardeau. These gentlemen know all the facts of the case and know it to be as we represent it. We are satisfied there is a misunderstanding somewhere, and believe any one having the authority would send us to our lines.

Hoping you will attend to this for us, major, we are, very respectfully, your obedient servants,

Y. H. BLACKWELL,
Major.
J. N. EDWARDS,
Adjutant.

Captain Woodsmall is still in prison in Saint Louis.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
July 27, 1863.

Respectfully referred to Major-General Schofield, commanding Department of the Missouri, with the request that he will cause the facts of the within matter to be reported.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

INSPECTOR-GENERAL'S OFFICE,
Saint Louis, Mo., August 1, 1863.

Respectfully returned to the major-general commanding. The case of these officers was examined and reported upon by the undersigned July 9, 1863, and it was recommended that they should be regularly paroled and sent within the rebel lines for the reasons there stated.

JAS. TOTTEN,
Brigadier-General and Inspector-General of Department.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, August 3, 1863.

Respectfully returned to Colonel Hoffman with information that after full investigation of the cases of Major Blackwell and Adjutant Edwards I had decided that their exchange, though not entirely regular, should be approved and carried out, it having been carried out in apparent good faith by the Confederates. Hence, on the 20th of July last I ordered that the above-named Confederate officers be sent to the enemy's lines. This order was not carried out because before it was received by the provost-marshal-general of the department the prisoners had been sent to Johnson's Island. I respectfully request that they be returned without delay to Saint Louis, to be sent to the enemy's lines and declared duly exchanged.

J. M. SCHOFIELD,
Major-General.

CASTLE PINCKNEY, *July 19, 1863.*

Capt. W. F. NANCE, *Assistant Adjutant-General:*

Negro prisoners are willing to submit to the State laws; they are willing to go to Battery Bee and work.

W. H. PERONNEAU,
Captain, Commanding.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, July 20, 1863.

General D. H. RUCKER,
Chief Quartermaster, U. S. Army, Washington:

GENERAL: It is proposed, as I am informed, by the General-in-Chief to establish a depot for prisoners of war at Point Lookout.

The officer to command has not yet been designated, but it is proper to make provision in advance.

The depot will probably ultimately be constructed for 10,000 prisoners; for the present for 5,000. Old tents should be sent from those in depot and necessary camp and garrison equipage, lumber to erect kitchens and store-houses, and large cast-iron boilers for cooking. The labor will be performed by the prisoners themselves, but preliminary arrangements should be made by this department.

Have you an officer disposable for it to send there to establish the depot? If not, Captain Edwards, post quartermaster, should be called upon to receive the property. Lumber should be obtained by requisition from Baltimore. Colonel Donaldson will fill your requisition.

M. C. MEIGS,
Quartermaster-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, July 20, 1863.

Brig. Gen. D. H. RUCKER, *Chief Quartermaster:*

In order to secure discretion and economy in the arrangement of kitchens and other necessary buildings at the prisoners' depot at Point Lookout, I think that the general plans should be prepared by a person of experience, and I know none who has had more in such constructions

than Mr. Clark. He has been at the place. I advise that the estimates and plans be prepared by him immediately. The slightest sketch will enable us to begin the work on a system and increase it as may be necessary.

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, July 20, 1863.

Maj. Gen. U. S. GRANT,
Commanding Department of the Tennessee, Memphis, Tenn.:

GENERAL: I have the honor to inclose herewith a list* of rebel prisoners of war captured by the forces under Major-General Sherman and paroled by his order at Jackson, Miss.

Rolls of paroled prisoners of war cannot be used in making exchanges unless there is on them the receipt of the authorized agent or officer who receives them, and as there is nothing on these rolls to show that the rebel authorities had any knowledge of the transaction they are of no value. General Orders, No. 49, of February 28, and the subsequent order (No. 100) prescribe the mode of paroling, which does not seem to have been followed in this case.

Paragraph 2, General Orders, No. 207, applies particularly to cases of this kind.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 20, 1863.

Brig. Gen. W. A. HAMMOND,
Surgeon-General U. S. Army, Washington, D. C.:

GENERAL: It will probably be necessary at the hospitals designated for rebel prisoners of war to issue clothing to them, and to provide for such a case I have the honor to request you will instruct the surgeon in charge to be governed by the accompanying regulations in making their estimates for clothing and in their issues.† The estimates may be made by telegram if necessary. Allow me to request also you will direct that so far as they are applicable the other paragraphs of these regulations be put in force. I will forward to the two hospitals blank rolls and returns.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 20, 1863.‡

Maj. JOHN E. MULFORD, *Assistant Agent of Exchange:*

SIR: I will thank you to inform me if Capt. E. G. De Jarnette is held in any other condition than as a prisoner of war. He is regularly in the Confederate service and was on duty in his uniform when captured. He was acting in obedience to orders from his superior officer.

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* Omitted.

† See Vol. IV, this series, p. 152.

‡ Void; see Vol. VII, this series, p. 477.

Such being the case, if any unusual proceeding is instituted against Captain De Jarnette, or if he is treated in any manner other than as a prisoner of war, we will be reluctantly compelled to adopt retaliatory measures.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

SPECIAL ORDERS, No. 322.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 20, 1863.

I. Colonel Root, Ninety-fourth New York Volunteers, will proceed to Annapolis, Md., and relieve Colonel Sangster in the command of Camp Parole, at that place.

* * * * * * *

By command of Major-General Halleck:

E. D. TOWNSEND,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 20, 1863.

General S. B. BUCKNER, *Knoxville, Tenn.:*

Keep securely guarded the Federal officers taken recruiting in Tennessee and furnish the evidence of their action.

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Morris Island, S. C., July 21, 1863.

Brig. Gen. JOHNSON HAGOOD,
Commanding Confederate Forces, Morris Island, S. C.:

SIR: Your proposition for a mutual parole of wounded prisoners is acceded to, the paroled men to be exchanged at once.

The Confederate wounded being at Hilton Head, I propose that the exchange take place from steamers meeting somewhere in the harbor where the water is still.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Brigadier-General, Commanding.

[JULY 21, 1863.—For Jones to Seddon, recommending rigid treatment of Col. William H. Powell, U. S. Army, for alleged violations of "the rules and usages of civilized warfare," see Series I, Vol. XXVII, Part III, p. 1034.]

CHARLESTON, *July 21, 1863.*

General S. COOPER:

'Tis very important not to exchange prisoners for one month sent from here. What shall be done with the negro prisoners who say they are free? Please answer.

G. T. BEAUREGARD.

[Indorsement.]

Respectfully submitted to the Secretary of War.

JNO. WITHERS,
Assistant Adjutant-General.

DEFENSES OF BALTIMORE,
Fort McHenry, Md., July 22, 1863.

Brig. Gen. L. THOMAS, *Adjutant-General U. S. Army:*

GENERAL: I have the honor to inform you that in consequence of the want of accommodations a large portion of the prisoners of war received at this post are while here entirely without shelter. Upon many of the sick and wounded these exposures operate with great severity. I would respectfully recommend, therefore, the erection of cheap buildings or sheds of capacity to accommodate 1,000 persons, together with suitable hospital accommodations.

I am, general, with great respect, your obedient servant,

W. W. MORRIS,
Brevet Brigadier-General, Commanding.

NEW YORK, *July 22, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Yours of the 19th instant is received. I have no roll of any prisoners not recorded by you except the one of those brought by the Cahawba. This will be sent to you on my return to Fort Monroe. The Secretary of War mentioned to me about sending the wounded rebels to City Point to be taken care of by their own friends. Please ascertain if he so desires and inform me by telegraph. In such case you can have the use of the steamer New York. I leave for West Point to-morrow.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

NEW YORK, *July 22, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Can you inform me how stand the cases of Captain Baylor, Captain Compton, Major Armesy (or Ormesby), Lieutenant Davis, Capt. William F. Gordon, and Captain Camp, all said to be confined at Fort McHenry and reported to the Confederates as harshly treated? This of course is not so, and I would like to receive from you a statement of their true condition, status, and treatment. Can you give me any information about James W. Foster, of Mosby's command, captured seven or eight weeks ago in the town of Middleburg, Va.? Also of Lee A. Dunn, one of the King William Home Guard, captured a short time ago in the vicinity of Nelson's Bridge? Where is Col. Andrew Talcott (arrested in New York), now confined, and what are the charges against him? Can you also give me any information of Maj. C. B. Owsley, said to have been tried at Bowling Green, Ky., as a spy? Please give me replies to the above inquiries at your earliest convenience.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

NEW YORK, *July 22, 1863.*

Col. WM. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I inclose to you a copy of communication just received by me.* Political prisoners have been almost daily received at Fort Monroe who have been sent there by order of General Schenck to be sent through the lines. Mr. John Glenn, the party named, is one of these.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

NEW YORK, *July 22, 1863.*

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: Your communication of the 17th instant has been forwarded to me here.

There is no authority in the cartel for your proposed declaration of exchange of your officers captured at Vicksburg in the manner you indicate.

The cartel provides for exchanges of equal rank until such are exhausted and then for equivalents. In consequence of the very much larger number of your officers and men we hold on parole and in confinement you can give no equivalents for the general officers you desire to have exchanged. You cannot for a moment assume that you can select a general officer and declare his equivalents in those of inferior rank when we hold the paroles of your officers of the same rank as the latter. But even supposing this arrangement was permitted by the cartel I do not see how you could avail yourself of it at this time.

You will recollect that since the proclamation of the Hon. Jefferson Davis of December last, and more especially since the passage of the act of your Congress in reference to our captured officers, both of which were in violation of the cartel, and have caused in the one case a temporary and in the other a continued suspension of exchanges of officers under the cartel, that all such exchanges have been subjects of special agreement between us.

To avoid the complications and annoyances of these special agreements I have again and again urged you to a return to the cartel, but up to the present moment in vain. On the contrary, you retain in close confinement large numbers of our officers for whom I have made a demand and tendered equivalents.

Until you consent to a return to the terms prescribed by the cartel for exchanges of officers I shall not consent to any exchanges of them, except on special agreements. I repeat to you that I decline to unite in your proposed declaration of exchange of officers captured at Vicksburg, and if recaptured they will be dealt with as violators of their paroles. Ought you not, in justice to these officers, to notify them of the exact condition of their cases and thus enable them to avoid being placed in a false position?

If you are authorized to deliver our officers now held in close confinement, and to a return to the cartel in exchanges of all officers and men, all the complicated questions which have arisen within the last few months can be promptly disposed of. To such a return, in the name of humanity, I again invite you. I am now only waiting the

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* See Ould to Ludlow, July 19, p. 130.

receipt of papers connected with the Vicksburg capture before going to City Point.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 22, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I respectfully call to your attention the case of Mayor Monroe, of New Orleans. He has now been in prison for more than fourteen months. He was placed there for his remonstrance against General Butler's order in reference to the ladies of New Orleans. Is not an imprisonment for fourteen months a sufficient punishment for such an offense?

His family is in a most wretched and poverty-stricken condition, sufficiently so, certainly, to excite the sympathy of even an enemy. Will you not make diligent inquiry into his case and use every endeavor to secure his release and his return to his family?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 22, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I call your special attention to the inclosed list of persons* captured in Louisiana in May last. They have all been sent to the prison at Alton, Ill.

Is it the purpose of your Government to keep these persons in confinement. If so, how long and for what reason?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 22, 1863.

Capt. JOHN E. MULFORD:

SIR: We have several thousands of your prisoners still in Richmond ready for delivery. Mrs. Sawyer and Mr. W. Whilden cannot be permitted to land at City Point. I am sorry they have been put to the trouble of coming. I have certainly at no time hinted that they would be permitted to land. If any person has stated to them that they could, it has been done without proper authority. In view of the course which has been pursued by the U. S. authorities in reference to communication between the Confederate States and the United States, I do not see how any person could suppose that Mrs. Sawyer and her relative would be allowed to come to Richmond. With reference to Messrs. Stewart and McKenzie, I have given to Captain Hatch the proper instructions.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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* Omitted.

SPECIAL ORDERS, No. 197. } HEADQUARTERS MIDDLE DEPARTMENT, *Baltimore, Md., July 22, 1863.*

I. The following regulations for providing more fully for the wants of prisoners of war are adopted, and the provost-marshal, Eighth Army Corps, is charged with the duty of securing their observance:

II. Such articles of food may be admitted into the jail for the sick as may be recommended by the surgeon in charge, to be used under his direction.

III. The surgeon in charge will be careful to report to the medical director for transfer to the general hospital any case among the sick requiring more careful treatment than can be given at the jail.

IV. Prisoners to be organized into squads of convenient size to be under the charge of one of their number, through whom they will communicate their wants, and will have charge of the police.

V. Prisoners may write letters to their friends on domestic matters, the letters to be open.

VI. Such articles of underclothing, shirts, drawers, and socks, to be allowed to the prisoners as may be necessary to insure cleanliness.

By command of Major-General Schenck:

W. H. CHESEBROUGH,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 22, 1863.

Lieut. Gen. J. C. PEMBERTON, *Enterprise, Miss.:*

GENERAL: The within papers are communicated to you, and through you to the other officers concerned, that they may see exactly the grounds on which the unwarrantable objection taken by the Federal commissioner to the terms of their exchange is rested. I have only to add that in the judgment of the President the exchange has been rightfully effected according to the true construction of the cartel, and the officers are discharged from the obligation of their parole.

Your obedient servant,

JAMES A. SEDDON,
Secretary of War.

Memorandum.—Contents of papers inclosed.

First. Declaration by Mr. Ould, commissioner for exchange of prisoners, July 13, 1863.*

Second. Communication on the subject from Mr. Ould to Colonel Ludlow, Federal agent and commissioner, July 13, 1863.†

Third. Reply of Colonel Ludlow to Colonel Ould, July 14, 1863.†

Fourth. Response of Mr. Ould to Ludlow, July 17, 1863.†

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 22, 1863.

Major-General BUCKNER, *Commanding:*

GENERAL: Your letter of the 14th instant has been received. This Government cannot hold any opinion in reference to citizens of Tennessee who enlist in the service of the United States, or who give them aid or comfort in their war upon the Confederate States, but that they

* Not found.

† See pp. 113, 116, 125.

are guilty of treason. Their entry within the lines of the Confederate Army, while their relations are those of enmity to the Confederate States, as members of the Army of the United States, subjects them to the law and usages of war as applicable to such cases. These conclusions may be fairly implied from the decision of the President in the case of Harris, who was tried at Knoxville by a court-martial. He had from the beginning of the difficulties selected the party of the United States as his own. He protested against being enrolled as a conscript and announced his determination to resist conscription. He was sentenced as a deserter for leaving Tennessee and joining the Federal Army. It is not, however, desirable to prosecute many of these cases. The United States, from their occupancy of so much of our territory and from the facility with which they can seize prominent citizens, have a great advantage over us. They can retaliate to a mischievous extent and inflict far more of evil upon us than we can upon them by adopting extreme measures of severity. The Department has not prosecuted for treason any of the various offenders who have been charged in the States of Virginia and North Carolina, and have treated as prisoners of war or held as disloyal persons, to be kept as hostages, the persons coming under the classifications you have mentioned.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *July 22, 1863.*

General G. T. BEAUREGARD, *Charleston, S. C.:*

GENERAL: The joint resolutions of the last Congress control the disposition of all negroes taken in arms. They are to be handed over to the authorities of the State where captured to be dealt with according to the laws thereof.

JAMES A. SEDDON,
Secretary of War.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Charleston, July 22, 1863.

General G. T. BEAUREGARD, *Commanding Department:*

SIR: I am informed that on the 11th instant, on James Island, certain "negro slaves" of different Confederate States were captured in arms in insurrection against the lawful authority of the State of South Carolina, and associated with them were a number of armed free negroes from the Federal State of Massachusetts; and that on the night of the 18th instant there were captured "in arms" on Morris Island certain other negro slaves of different Confederate States, as also certain other armed free negroes of Federal States, and also certain commissioned officers of the United States "found serving in company with armed slaves in insurrection against the authority of South Carolina."

By proclamation of the President of the 23d of December, 1862, among other things it was ordered "that all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong to be dealt with according to the laws of said States." Also "that the like orders be executed in all cases with respect to all commissioned officers of the United States when found serving in company with armed slaves in insurrection against the authorities of the different States of this Confederacy." The observance and enforcement of the above orders by the officers of the C. S.

Army is required by an order from the office of the Adjutant and Inspector General of the 24th of December, 1862.

No action having been as yet taken on your part, so far as I am informed, to carry into effect the above orders, I deem it my duty to the State to call your attention to the matter and ask that you will turn over to me the said commissioned officers and slaves to be dealt with according to the laws of this State.

The expression in the order as to turning over slaves in arms, namely, "to the executive authorities of the respective States to which they belong," was used by the President under the supposition, I presume, that the slaves would be found in insurrection in the States to which they belong and that he could but mean that they are to be turned over to the executive authorities of those States in which the offense might be committed. But if you should differ from me in this opinion I then request that you will retain them here till the question shall be decided by the President and till my demand for their delivery to me can be made according to law on the Governors of the States to which they respectively belong.

The point as to free negroes is for the present reserved till I can correspond directly with the War Department as to their disposition, and I request that they also be retained.

I am, sir, very respectfully, your obedient servant,

M. L. BONHAM.

[First indorsement.]

CHARLESTON, S. C., *July 23, 1863.*

Respectfully referred for the consideration and instructions of War Department.

G. T. BEAUREGARD,
General, Commanding.

[Second indorsement.]

JULY 27, 1863.

Respectfully submitted to Secretary of War.

S. COOPER.
Adjutant and Inspector General.

[Third indorsement.]

SECRETARY OF WAR:

The question presented in this file of papers is whether persons of color belonging to the Army of the United States and captured by the Confederate troops are to be surrendered to the State authorities of the State in which the capture is made when there is no testimony to show that these persons had been slaves in that State.

The ground on which the claim of the State rests is not apprehended.

J. A. CAMPBELL,
Assistant Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 226. } *Washington, July 23, 1863.*

The county of Saint Mary's, Md., is detached from the Middle Department and will form a separate military district. Brig. Gen. G. Marston is assigned to the command of Saint Mary's District, headquarters at Point Lookout.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 227. } *Washington, July 23, 1863.*

Brig. Gen. S. A. Meredith will repair to Fort Monroe and relieve Lieutenant-Colonel Ludlow of the duties of agent for exchange of prisoners. After turning over to General Meredith all papers connected with his office Lieutenant-Colonel Ludlow will report to the Adjutant-General of the Army.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 228. } *Washington, July 23, 1863.*

In the case of James Clark Lisle, tried at Cincinnati, Ohio, by general court-martial on the charge of "being found and arrested within the lines of the U. S. forces as a spy," convicted and sentenced by General Orders, No. 106, Department of the Ohio, June 19, 1863, "to be punished with death by hanging by the neck, at such time and place as the commanding general shall direct," strong additional testimony having been produced by which it is clearly shown he was a member of Colonel Cluke's regiment, of General Morgan's command of rebel troops, and not a spy, the sentence in his case is remitted by the President, with directions that he be held and treated as a prisoner of war.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, July 23, 1863.*

Maj. JOHN E. MULFORD,
Commanding Flag-of-Truce Boat, Fortress Monroe, Va.:

MAJOR: You will report for duty to Brig. Gen. S. A. Meredith as commissioner of exchanges, assigned to relieve Lieutenant-Colonel Ludlow.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *July 23, 1863.*

Brig. Gen. G. MARSTON:

GENERAL: You will immediately proceed to the Army of the Potomac and report to General Meade for a guard of about 300 men for the prison camp to be established at Point Lookout. Probably the Second, Fifth, and Twelfth New Hampshire Volunteers can be assigned to you for this purpose. With this guard and such prisoners of war as may be placed in your charge you will return to Washington and apply to the quartermaster for transportation to Point Lookout, where you will establish a camp for prisoners of war. Tents, lumber for kitchens, cooking apparatus, &c., have already been ordered to that place by the quartermaster's department. The camp should be so laid out that it can be extended sufficiently to accommodate about 10,000 prisoners. You will make requisition on the quartermaster's department for twenty horses and equipments for mounting that number of your men for patrols and scouts.

The strictest guard must be kept over the prisoners and also order, discipline, and cleanliness in their camp. As soon as your men are mounted you will relieve the company of Maryland cavalry at that post and direct it to report for orders to the commanding general of the Middle Department. You will report directly to the Adjutant-General of the Army. You will show these instructions to Major-General Meade, commanding.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 23, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to submit the following report of my examination into the condition of the Confederate prisoners in the West Hospital and other hospitals in Baltimore, made pursuant to your instructions of the 21st instant:

I left the city by the first train after receiving your order, and immediately on my arrival at Baltimore called on the medical director, Surgeon Simpson, who accompanied me to the West Hospital, where I found nineteen sick and wounded rebel prisoners occupying two hospital tents pitched adjacent to the hospital. All were provided with bedsteads and sufficient bedding and had received proper medical treatment, but they were not as comfortable as they would be in the hospital, and I directed that they should be removed to one of the wards where sufficient room could be made to receive them. The change had not been made when I returned to the hospital yesterday through the neglect of the surgeon in charge, but Surgeon Simpson reiterated his orders and assured me the change should take place without further delay. These men were attended by four rebel prisoners, but as they could be under no restraint and took little interest in their duties I advised that when the sick were moved into the hospital they should have the attention of the regular nurses, and this arrangement will be made.

The wards of the West Hospital are very spacious, well ventilated, and in excellent police, but the mess-room and grounds about the door were in very bad police, which the surgeon in charge endeavored to excuse by the plea that an unusual number of sick had been fed there within the last ten days, but this excuse did not cover the neglect as two or three days had elapsed since they were so crowded.

Yesterday morning I visited Fort McHenry, where I found that nearly all the prisoners of war had been removed to Fort Delaware. There were twelve officers sick at the post hospital, where everything was in excellent condition and the patients received the kindest treatment. There are three other officers—one sick and two wounded—who are in the building in which the prisoners at the post are confined, where they are not properly provided for, but a tent is to be immediately prepared for them near the hospital, where they will be made very comfortable.

There are very limited accommodations for prisoners at Fort McHenry, and the commanding officer will recommend that two rough buildings, to quarter a thousand men, with a hospital sufficient for fifty to one hundred patients, be erected near the building now used for that purpose, and I shall concur in his recommendation.

After returning to the city I visited the jail, where there are about 700 prisoners of war. They occupy one-half the building, which is light and airy and well ventilated, and the prisoners are very comfortable without being crowded. The police is excellent. They are furnished with the fare of the prison, which is beef or bean soup, bread, and coffee. Among these prisoners there are about seventy-five cases of diarrhea who require only a change of diet. A few of these cases who need more special care are provided for in a room in the jail, where they are attended by their fellow-prisoners.

Offers of various articles of food suitable for the sick have been tendered by the Ladies' Association of Baltimore, and I directed that such articles as were approved by the surgeon in charge should be received and used under his supervision and control. I directed also that when any of these prisoners became so ill as to require more careful treatment than could be given to them at the prison the fact should be reported to the medical director in order that the patient might be removed to a hospital.

To insure cleanliness among these prisoners I directed that they might be permitted to receive from the contributions that were offered a sufficient supply of underclothing—shirts, drawers, and socks—to be distributed by an officer designated by the provost-marshal to such men as were in actual want.

I then visited the only other hospital containing rebel prisoners and there was but one there. He was in the last stage of typhoid fever and it was not expected he would live through the day. Attendants were with him and he was receiving all the care which his case demanded.

Between the 13th and 19th of July about 900 (892) sick and wounded rebel prisoners were received in Baltimore and transferred to the hospital on Davids Island, N. Y., and 875 were received and transferred to the hospital at Chester, Pa. In almost every instance these men arrived in Baltimore at night, and it could not be otherwise than that there must be some cases of exposure and suffering, though as far as possible every preparation was made in anticipation of their arrival, and the same thing necessarily occurred with our own sick and wounded arriving from Gettysburg.

A detailed report of the whole matter, of the reception and disposal of the sick and wounded, will be made to the Surgeon-General immediately by Medical Inspector W. H. Mussey.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 23, 1863.

Brig. Gen. O. B. WILLCOX, *Commanding, Indianapolis, Ind.:*

GENERAL: I have received a telegram from His Excellency Governor Morton, in which he informs me that the 800 exchanged men of Streight's brigade, at Camp Morton, are becoming demoralized for want of officers, and if their services are not required to guard prisoners it would be well to order them for duty elsewhere. On the 9th of June General Rosecrans asked for the men of Streight's brigade, and General Burnside was directed to send him all who could be spared. When these men were exchanged there were no other paroled men so classified that they could be exchanged, the rolls being made up of

small parties captured at different times in different places, and Streight's brigade was exchanged for the purpose of being used as guards for prisoners of war until their officers could be exchanged, and my impression is that they are indispensable for that purpose. The prospect is that we will have a large body of prisoners on our hands, and Camp Morton will have its full share.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 23, 1863.

QUARTERMASTER-GENERAL:

I am satisfied from a personal visit to Fort McHenry that the buildings recommended by General Morris* are much needed, and I respectfully urge that they be ordered.

Respectfully referred to the Quartermaster-General.

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 23, 1863.

Surg. J. SIMONS, *General Hospital, Davids Island, N. Y.:*

SIR: By direction of the Secretary of War all the sick and wounded enlisted rebel prisoners of war in your charge who are in a sufficiently convalescent condition will be delivered at City Point, Va., with as little delay as practicable. Duplicate parole-rolls will be sent with the party and a roll without paroles will be sent to this office. The names should be arranged on the rolls alphabetically by regiments. Please call on the general commanding in New York for a suitable guard and on the quartermaster for transportation, which will be engaged to deliver the prisoners at Fort Monroe or City Point, as the agent for exchange of prisoners at the former place may direct, to whom the commanding officer of the guard should be directed to report on his arrival. A medical officer with a sufficient number of attendants should accompany the prisoners. Please inform me by telegram of the number and the probable time of their departure.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Surg. E. Swift, General Hospital, Chester, Pa.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 23, 1863.

Lieut. Col. J. L. DONALDSON,
Assistant Quartermaster, U. S. Army, Baltimore, Md.:

COLONEL: Your letter of the 21st is received, and in reply I have to say that the arrangement for the prisoners of war at the jail is very

* In letter of 22d to Adjutant-General Thomas, p. 135.

satisfactory. After a personal visit there yesterday I authorized the distribution of underclothing to such of them as required it. I understood that as much clothing as was necessary had been offered as contributions, but if there is any deficiency it may be made up in the manner you propose. I inclose herewith regulations issued by authority of the War Department, which prescribe the mode of issuing clothing to prisoners of war.* If you have any blankets on hand which are unfit for issue I wish you would furnish one to each prisoner who is without bedding. They should be returned to your department when the prisoners leave the jail, to be used again on similar occasions. Will you please mention the matter to the provost-marshal, who is in immediate charge of the prisoners? Prisoners of war can be permitted to take the oath of allegiance only on a special report of the case and by authority of the Secretary of War. The prisoners from Sandusky, about whom I telegraphed to you to-day, should not have been sent on, and I wish them to remain at Fort McHenry or in the jail, whichever may be the most convenient, till others are to be delivered at City Point.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CHARLESTON, S. C., *July 23, 1863.*

J. A. SEDDON, *Secretary of War, Richmond, Va.:*

I know of no joint resolution about disposition of captured negroes. Hon. W. P. Miles informed me it failed to pass.

G. T. BEAUREGARD.

CHARLESTON, S. C., *July 23, 1863.*

SAMUEL COOPER,
Adjutant and Inspector General, Richmond, Va.:

Enemy has not carried out cartel in connection with prisoners of this command, who have been retained for months at Hilton Head.

G. T. BEAUREGARD.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Charleston, July 23, 1863.

Hon. JAMES A. SEDDON, *Secretary of War, Richmond:*

SIR: Inclosed I have the honor to submit to you a copy of my demand, under General Orders, No. 3, dated December 24, 1862, containing the proclamation of President Davis, upon General Beauregard for certain negro slaves and commissioned officers in company with them captured in arms on James and Morris Islands on the 11th and 18th instant.†

I now beg leave to call your attention to the free negroes who were captured at the same time. By an act of our assembly of 1805 (5 Stat., 503) it is enacted that—

Every person or persons who shall or may be, either directly or indirectly, concerned or connected with any slave or slaves in a state of actual insurrection within this State, or who shall in any manner or to any extent excite, counsel, advise, induce,

* See Vol. IV, this series, p. 152.
† See Bonham to Beauregard, July 22, p. 139.

aid, comfort, or assist any slave or slaves to raise or to attempt to raise an insurrection within this State by furnishing them with any written or other passport, with arms or ammunition, or munitions of war, or knowing of their assembling for any purpose tending to treason or insurrection, shall afford to them shelter or protection, or shall permit his, her, or their house or houses to be resorted to by any slave or slaves for any purpose tending to treason or insurrection as aforesaid, shall, on conviction thereof in any court having jurisdiction thereof, by confession in open court or by the testimony of his witnesses, be adjudged guilty of treason against the State and suffer death.

You will perceive by my letter to General Beauregard that there were "slaves in insurrection" and that the free negroes "were concerned and connected with those slaves in a state of insurrection," and are therefore amenable to this law. I cannot suppose the mere fact that these free negroes were under the flag and clothed in the uniform of the United States will protect them from the operation of the State laws on the subject of insurrection.

I therefore respectfully request that these free negroes be turned over to me to be dealt with under the laws of this State.

I have the honor to remain, your obedient servant,

M. L. BONHAM.

HEADQUARTERS DEPARTMENT OF S. C., GA., AND FLA.,
Charleston, S. C., July 23, 1863.

Surgeon CROWELL, *Medical Director of Hospitals:*

SIR: Lieutenant Kearny informs me that you called to see me this evening for some explanations as to the precise wishes of the commanding general relative to the wounded prisoners which I had sought to express in my previous letter of this date. It appears that you are in doubt whether or not it was designed that the wounded negroes should be sent. Assumedly not, as the authorities of the Confederate States have uniformly declared that the introduction in this war of negro troops would not be permitted. I learn that certain of the prisoners are without clothing, and that you are in doubt as to what should be done with them. Of course, they must be clad as far as decency demands by the quartermaster's department, and this I think was covered by so much of my communication as prescribed that there should be due attention paid to the comfort of these men.

Respectfully, your obedient servant,

T. JORDAN,
Chief of Staff.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 24, 1863.

Maj. Gen. R. C. SCHENCK,
Commanding Middle Department, Baltimore, Md.:

GENERAL: I am informed by Lieutenant-Colonel Ludlow, agent for exchange of prisoners, that Mr. Ould, Confederate agent, declines to receive Mr. John Glenn, a political prisoner who was forwarded from Baltimore to City Point recently, on the ground that he claims to be a citizen of Maryland; that he owes allegiance to the United States and not to the Confederate States, and that he will refuse to take any oath of allegiance to said States. Mr. Ould also announces that he will continue to refuse any person who holds to the same sentiments.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 24, 1863.

Lieut. Col. W. H. LUDLOW,
Agent for Exchange of Prisoners, West Point, N. Y.:

COLONEL: I have received this morning your three letters of the 22d instant. I have also been furnished this morning with a copy of the order of the Secretary of War which directs Brigadier-General Meredith to relieve you in the duties of agent for exchange of prisoners of war, which makes it unnecessary that I should trouble you with anything relating to the status in which we have been heretofore associated. Permit me to express here my sincere regret that our official relations, which have been so agreeable, are now to be terminated.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CHARLESTON, S. C., *July 24, 1863.*

SAMUEL COOPER,
Adjutant and Inspector General, Richmond, Va.:

I sent prisoners captured 18th instant to Columbia to be kept there. General Winder orders Colonel Preston to send them to Richmond. I wish particularly to keep them subject to my orders.

G. T. BEAUREGARD.

HEADQUARTERS OF THE ARMY,
Washington, July 25, 1863.

Major-General BANKS, *New Orleans:*

GENERAL: Your communication of the 10th instant is received.* It is very much to be regretted that the prisoners taken at Port Hudson were paroled. It is feared that the enemy will not regard such paroles, on the ground that they were not in accordance with the cartel. They gave notice in May last that prisoners of war must be delivered and paroled as provided in the seventh article of the cartel, and that any parole given in violation of those provisions would be considered as null and void. Should these prisoners be returned to the ranks without exchange, would we be justified in punishing them for violation of parole? I fear not, for an illegal parole is null and void. All prisoners captured from Lee's army and improperly paroled were immediately returned to duty and we could make no complaints. Your particular attention is called to the cartel, which, being a special agreement between the belligerents, must be strictly observed by both parties. It will be seen that prisoners are not to be paroled until delivered at the points specified in the cartel or agreed upon by the commanding generals of the opposing armies. Had you made an agreement with General Gardner before his surrender in regard to the delivery and paroling it would have come within the conditions of the cartel. But a prisoner of war cannot enter into any agreement with his captor which will bind his Government. I do not understand, however, that there was any agreement of this kind with General Gardner either before or after his

* See Series I, Vol. XXVI, Part I, p. 55.

surrender. I take it that the release and paroling of the soldiers was a voluntary act on your part and therefore not covered by the cartel.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

SPRINGFIELD, MO., *July 25, 1863.*

Major-General SCHOFIELD:

On Wednesday night Colonel Johnson, commanding at Cassville, notified me that a flag of truce was at his outer pickets with an order from the commandant at Fort Smith to proceed to Springfield. I answered:

Give them a tent and place a strong guard over them outside your outer pickets, allowing no communication with them except through the officer in charge. Let the officer in charge of the party state the object of the flag of truce.

I received the following answer:

CASSVILLE, *July 24, 1863.*

General MCNEIL:

Some of the party under flag of truce had concealed private letters containing valuable information. I will send them through by mail.

J. M. JOHNSON,
Colonel, Commanding.

The letters have just arrived here and are unimportant, except one ordering a variety of drugs, &c. But I consider the covert conveyance of any communication by a flag of truce as a violation of that military concession. I have ordered the parties guilty of conveying these papers to be held as spies. The balance of the party will be dismissed, with your approval, notifying General Cabell that the flag had been used for improper purposes. I also would refer to his threat of retaliation as useless, stating that retaliation is a game each of us can play at, and if he sets the lesson I shall try to better the instruction.

JOHN MCNEIL,
Brigadier-General.

[Inclosure.]

HEADQUARTERS NORTHWEST ARKANSAS,
In the Field, July 16, 1863.

Brig. Gen. JOHN MCNEIL,
Commanding U. S. Forces, Springfield, Mo.:

SIR: I have the honor to inclose* for your consideration a letter from Captain Gilstrap, First Arkansas Federal Cavalry. From this letter you will see that this officer or the military at the post at which he is serving has two citizens of the Confederate States in confinement; this, too, in violation of the order issued on the 11th of May, 1863, directing the exchange of all prisoners, both civil and military, that were arrested prior to the 1st of April and 16th of May, respectively. I therefore, as the commander of this military district, demand the release of those two citizens, and I request that the men may be ordered to report to me. Should these citizens continue in confinement by the U. S. authorities I shall lay the matter before the commissioners of exchange appointed by the two Governments, and hold two citizens of the United States until they are released.

W. L. CABELL,
Brigadier-General, Commanding.

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* Not found.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 25, 1863.

Surg. J. SIMONS,
In Charge U. S. Hospital, Davids Island, N. Y.:

SIR: The clothing called for by your requisition for sick and wounded rebel prisoners will be furnished immediately. I think it proper to remind you that only such as is absolutely necessary will be issued. Men in hospital at this season of the year require two shirts, two drawers, and, if not in bed, one pair of pants. Shoes and socks may be necessary in some cases, but generally they must be dispensed with. Caps are not issued, and but few, if any, require coats. If any are issued the skirt should be cut very short and the buttons taken off to distinguish them from our own men. As they are not to be furnished with an undershirt, I would suggest that you issue the cotton shirt in place of the kind of shirt estimated for. When the prisoners are forwarded for delivery all articles issued to them not in use will be taken from them, to be again used for a similar purpose. On board ship they do not need shoes, stockings, or caps.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

MILITARY PRISON, *Alton, Ill., July 25, 1863.*

PROVOST-MARSHAL-GENERAL, *Saint Louis, Mo.:*

SIR: I have the honor to request that no more prisoners be sent here until we have room to accommodate them. We have now over 1,400 prisoners confined in this prison, a number much greater than can be accommodated with anything like comfort.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major, U. S. Army, Commanding the Prison.

MILITARY PRISON, *Alton, Ill., July 25, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: At the urgent request of Mrs. Judd, one of the female prisoners confined in this prison, I forward herewith for your consideration the inclosed papers in relation to her case.* With regard to this woman I am of the opinion that if she should be released on parole to go to the State of Minnesota, where I understand she has friends and connections, she would remain there and give no further trouble.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry, Commanding the Prison.

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* In view of the final action of the Secretary of War, the inclosed statements are omitted. See also Vol. V, this series, pp. 619–624.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
August 3, 1863.

Respectfully referred to the Secretary of War. The release of Mrs. Judd is not recommended.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

Referring to the opinion of the provost-judge (Fitch); to that of the commanding officer of the prison (Major Hendrickson); the probable state of health of Mrs. Judd, as certified by the physician; the length of time she has been in the prison; the position of General Rosecrans and his duties (not enabling him to examine personally into the matter), I am of the opinion that Mrs. Judd may with propriety be discharged, and I accordingly recommend it.

E. A. HITCHCOCK,
Major-General, &c.

[Third indorsement.]

WAR DEPARTMENT, *August 6, 1863.*

The recommendation of General Hitchcock is approved. Respectfully returned to the Commissary-General of Prisoners.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

Extract from report of inspection of the Gratiot Street Prison Hospital, at Saint Louis, Mo., dated July 25, 1863, by John L. Le Conte, surgeon of volunteers, acting medical inspector, U. S. Army.

The prison (the McDowell Medical College Building) is in very nearly the same condition as when last inspected. It is still under the charge of W. J. Masterson, of the provost-marshal's department. There are now but 249 prisoners. The rooms are in as good a state of police as is practicable with dilapidated floors and ceilings. When scrubbing is done the water leaks through from one story to another. The cooking is done with care by prisoners, and, with much other work of a laborious nature; [they] receive no compensation. The diet is not composed of a sufficient variety of vegetable food. As in Myrtle Street Prison, the prison fund has gone on steadily accumulating and now amounts to something near $4,000. Many of the window sills are dilapidated and should be protected with slabs either of wood, stone, or iron. A moderate number of windows are without bars. These defects invite attempts on the part of the prisoners to escape, and thereby expose not only themselves but the employés of the prison to the shots of the guard. The replacing of four or five wooden doors by movable gratings would enable the prison to be better guarded besides improving greatly the ventilation. The leakage from the officers' privy through a badly built wall into a large octagonal basement room, used as a recreating room during the day, is productive of inconvenience. I respectfully recommend that such repairs and improvements as are pointed out in the foregoing paragraphs be made, so as to fit this building properly for prison purposes, and that means be taken to supply a reasonable variety of fresh vegetables. The improvements suggested last month for a laundry and bathing room have been in part made and

the remainder will soon be completed. It seems somewhat unjust that severe labor without compensation should be obtained from a portion of the prisoners, while others remain in idleness; though I am not sufficiently acquainted with prison discipline to propose any measure unless it be to give a small compensation to the laborers out of the prison fund.

[JULY 25, 1863.—For Vollum to Hammond, in relation to transportation of wounded Confederate prisoners from the battle-field of Gettysburg, &c., see Series I, Vol. XXVII, Part I, p. 25.]

[JULY 26, 1863.—For correspondence, &c., not found herein, relating to Brig. Gen. John H. Morgan's raid into Indiana and Ohio and capture, see Series I, Vol. XXIII, Part I, p. 632 *et seq.*]

SAINT LOUIS. *July 26, 1863.*

Brigadier-General MCNEIL, *Springfield:*

Inform the bearer of flag of truce that the exchange notice published in Richmond and which he quotes is decided by our authorities too general in its terms, and is now under revision by the commissioners for exchange. The prisoners will be disposed of according to the final agreement of the commissioners if it is found to apply to their cases. Also please report to me the cases in question in order that I may determine whether they come under existing rules. Dismiss the flag with warning of the consequences of the unjustifiable retaliation the enemy proposes. You are right in detaining the bearers of concealed letters.

J. M. SCHOFIELD,
Major-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 26, 1863.

Col. W. H. LUDLOW, *Agent of Exchange:*

SIR: Your communication of the 22d contests my declaration of exchanges of officers made on the 17th instant. You say "the cartel provides for the exchanges of equal rank until such are exhausted and then for equivalents." If you had been at Fortress Monroe, where you could have seen the cartel, instead of New York, from which your letter is dated, you would have written no such paragraph. There is nothing in the cartel which contains any such doctrine, or which favors it. Every provision is against it. Your own and my practice has been opposed to it. I again say to you what I have already stated in my communication of the 17th instant, that your assent is not needed to the declared exchange, and I shall not notify the officers whom I have declared exchanged, as you request. I have allowed you to declare exchanges when the number of prisoners in our hands has been the greater. This has been the case from the day when we first met, in the fall of last year, to the capture of Vicksburg. Now, when you have scarcely received official advices of your superiority in prisoners, you boast of the fact, and declare that I cannot give an equivalent for the general officers I have declared exchanged. The point you make is worth nothing, even as you have stated it. You know we have no lieutenant-generals or major-generals of yours in our hands. For that

reason I have declared them exchanged in privates or inferior officers, at your election. I had the right, under the cartel, to make the choice myself; but I preferred that you should do it, and therefore I gave you the notification which I did. If at any time you present officers for exchange who have been paroled, and we have no officers of similar rank on parole, you can declare their exchanges in privates. If at this time you have any officers of the rank I have declared exchanged, or of any other rank, or if you have any particular organization of privates or non-commissioned officers whom you wish exchanged, you have only to state such fact and your selection will be approved. If you hold the paroles of our officers of any rank, as you state, you have only to present them, and whatever is in our hands, whether on parole or in captivity, will be freely given in exchange for them. You say you have again and again invited me to a return to the cartel. Now that our official connection is being terminated, I say to you in the fear of God, and I appeal to Him for the truth of the declaration, that there has been no single moment, from the time when we were first brought together in connection with the matter of exchange to the present hour, during which there has not been an open and notorious violation of the cartel by your authorities. Officers and men, numbering over hundreds, have been, during your whole connection with the cartel, kept in cruel confinement, sometimes in irons or doomed to cells, without charges or trial. They are in prison now, unless God in His mercy has released them. In our parting moments let me do you the justice to say that I do not believe it is so much your fault as that of your authorities. Nay, more; I believe your removal from your position has been owing to the personal efforts you have made for a faithful observance not only of the cartel but of humanity in the conduct of the war.

Again and again have I importuned you to tell me of one officer or man now held in confinement by us who was declared exchanged. You have to those appeals furnished one—Spencer Kellogg. For him I have searched in vain. On the other hand, I appeal to your own records for the cases where your reports have shown that our officers and men have been held for long months and even years in violation of the cartel and our agreements. The last phase of the enormity, however, exceeds all others. Although you have many thousands of our soldiers now in confinement in your prisons, and especially in that horrible hold of death—Fort Delaware—you have not for several weeks sent us any prisoners. During those weeks you have dispatched Captain Mulford with the steamer New York to City Point three or four times without any prisoners. For the first two or three times some sort of an excuse was attempted. None is given at this present arrival. I do not mean to be offensive when I say that effrontery could not give one. I ask you with no purpose of disrespect what can you think of this covert attempt to secure the delivery of all your prisoners in our hands without the release of those of ours, who are languishing in hopeless misery in your prisons and dungeons?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

MILITARY PRISON, *Alton, Ill., July 26, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to report that 768 Confederate prisoners of war from Vicksburg and points above arrived here this morning, but

on account of the crowded state of the prison at this time we could not receive them. They were sent to Saint Louis to be provided for by the provost-marshal-general of Missouri at that city. The number of prisoners confined here is over 1,400. Two of the female prisoners, Mrs. Nicholson and Mrs. Hyde, were released to-day, the former by an order from Brigadier-General Hurlbut, commanding at Memphis, Tenn., remitting unexpired sentence, and the latter by parole to Nashville, Tenn., by order of General Rosecrans.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major, U. S. Army, Commandant of Prison.

HEADQUARTERS OF THE ARMY,
Washington, D. C., July 27, 1863.

Brig. Gen. S. A. MEREDITH, *Fort Monroe:*

GENERAL: You will please inform Mr. Ould, agent for exchange of prisoners, that General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command who have not been delivered in compliance with the conditions of the cartel.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

CINCINNATI, *July 27, 1863.*

Governor TOD:

General Halleck wants all Morgan's officers put in the penitentiary of your State. What is your opinion, and have you room?

A. E. BURNSIDE,
Major-General.

COLUMBUS, *July 27, 1863.*

Major-General BURNSIDE, *Cincinnati, Ohio:*

I approve of General Halleck's suggestion to confine Morgan and his principal officers in the Ohio penitentiary. We have room for about thirty.

DAVID TOD,
Governor.

WELLSVILLE, OHIO, *July 27, 1863.*

Capt. F. W. HUIDEKOPER:

You will take charge of all the prisoners (of Morgan's command) captured yesterday and convey them to Columbus. There deliver them to the commanding officer of Camp Chase, taking a receipt from him for them. You will then return to Pittsburg and rejoin your command.

By command of Major-General Brooks:

WM. R. HOWE,
Captain and Assistant Adjutant-General.

[JULY 27, 1863.—For Cuyler to Hammond, in relation to condition of Confederate prisoners (wounded) after battle of Gettysburg and their transportation to other points, &c., see Series I, Vol. XXVII, Part I, p. 24.]

HDQRS. DISTRICT OF SOUTHWESTERN MISSOURI,
Springfield, July 27, 1863.

Col. J. M. JOHNSON, *Commanding at Cassville:*

COLONEL: I send by your messenger answer to General Cabell to be sent to him by flag of truce.

The flag of truce will be dismissed on delivery of the inclosure for General Cabell excepting the party or parties detected in attempting to pass letters into our lines. He or they will be sent under guard to this post with the witnesses in the case.

You will provide for the wants of Captain Palmer and party on their return, and admonish the captain that the next flag-of-truce party similarly implicated will be held as spies, one and all.

I have the honor to be, your obedient servant,

J. McNEIL,
Brigadier-General, Commanding.

[Inclosure.]

HDQRS. DISTRICT OF SOUTHWESTERN MISSOURI,
Springfield, Mo., July 27, 1863.

Brig. Gen. W. L. CABELL,
Commanding Northwestern Arkansas, in the Field:

SIR: I have the honor to acknowledge your communication of June 30* demanding the release of two prisoners named Dotson and Spencer; also copy of an exchange notice published at Richmond, Va., under date of May 11, 1863.

Not having any orders that agreed with the above-named notice, I referred the whole matter to the commanding general of this military department, who in reply says:

> The exchange notice published in Richmond is decided by our authorities too general in its terms, and is now under revision by the commissioners for exchange. The prisoners will be disposed of according to the final agreement of the commissioners if it is found to apply to their cases.

I am also directed to report the cases in question that he may determine whether they come under existing rules.

You will thus see that there is every disposition to give the parties in whose behalf you have interested yourself the full benefit of any agreement there now exists or may exist between the Government of the United States and the military authorities of the revolting States.

I would respectfully state to you in this connection that your threat of unjustifiable retaliation can have no effect on the determination of this case. Justice will be done and duty performed without regard to consequences.

You need not be reminded, general, that retaliation is a game that two can play at, and I sincerely hope you may not set me any lessons that will compel me to better the instructions.

I regret to have to state that I have notice (by telegraph) from the commandant at Cassville that some person or persons connected with your flag of truce have been guilty of an attempt to convey written

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* Not found.

communications within our lines, and men were detected in attempting to deliver them. One of these letters is an order for a large quantity of drugs and other contraband articles.

As I am not inclined to charge any one other than the party implicated by the discovery with this gross violation of the obligations of a flag of truce, I answer you as though this had not happened; but I shall detain the guilty party for trial. This disposition of the guilty party is one that you as a soldier, versed in the laws and usages of war, must approve. The obligations of military honor should never be trifled with with impunity.

I have the honor to be, your obedient servant,

J. McNEIL,
Brigadier-General, Commanding.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., July 27, 1863.

General S. COOPER,
Adjt. and Insp. Gen. C. S. Army, Richmond, Va.:

GENERAL: I have gathered from the papers, but have had no official information, that the exchange of commissioned officers has been resumed.

I write to request that if the exchange mentioned has been resumed an official notification to that effect be sent me.

There are now here quite a number of commissioned officers captured by Major-General Taylor's forces in Lower Louisiana who should be exchanged if this exchange has been resumed.

There are also many paroled prisoners from Vicksburg and Port Hudson passing through the country. I would respectfully request that a special messenger be sent to notify me of the time of their exchange.

I have the honor to remain, general, very respectfully, your obedient servant,

E. KIRBY SMITH,
Lieutenant-General, Commanding.

[First indorsement.]

OCTOBER 12, 1863.

Respectfully returned to the Secretary of War.

I hope Lieutenant-General Smith will speedily be informed that the exchange of officers has not been resumed, and I trust he will keep all his prisoners (officers and men) in custody. Would it not be well to send by certain conveyance to him my declaration of the exchange of the Vicksburg prisoners? I have dispatched Major Szymanski west of the Mississippi to inform our commanders there of all essential information as to the present position of all matters connected with exchanges and paroles.

RO. OULD,
Agent of Exchange.

[Second indorsement.]

OCTOBER 14, 1863.

Inform General Smith of the substance of Mr. Ould's indorsement, also that on the reassembling of two-thirds of any of the regiments of paroled prisoners ordered to rendezvous west of the Mississippi, and information thereof, they will be immediately declared exchanged. We

have not enough of paroled or imprisoned captives to exchange all the captives paroled or held by the enemy, and hence until reassembled we do not wish to exhaust our privilege of declaring exchanges.

J. A. SEDDON,
Secretary.

BALTIMORE, *July 28, 1863.*

Col. E. D. TOWNSEND:

Your telegram communicating the peremptory order of the President for the immediate release of John Glenn is received. I had already released him and he is at home on parole to appear on the 17th August, to answer to charges sustained by affidavits; but if the President directs it I will send for him and make his release absolute. I cannot report to the judge-advocate the formal charges and proof in full until the return of Colonel Fish, provost-marshal, on the 12th of August, he being absent now on sick-leave. I will state, however, that Glenn was arrested by Colonel Fish for the use of violent, disloyal, and mischievous language, such as declarations that the throats of all the damned Yankees ought to be cut. He obstinately refused and still refuses to take the oath of allegiance or give parole for his good behavior as a good citizen. He was sent South to be put through the lines after all reasoning, argument, and kindness had been exhausted on him, and he was still unyieldingly perverse; but owing to some misunderstanding or blunder at Fort Monroe he was sent to City Point among prisoners for exchange and then returned here, not taking the oath of allegiance to the Confederate States.

Will you communicate this to the President and to the judge-advocate and let me know if any other report is required of me now? Please let me know also if I am to consider it the policy of the Government and of the President that hereafter I am not to arrest those in this community who use disloyal and mischievous language and declarations, and punish them or put them under some security for their good behavior. Instruct me also if Glenn is to be released from his parole to appear again

ROBT. C. SCHENCK,
Major-General.

FORT DELAWARE, *July 28, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

Eighteen rebel surgeons here. Two of the chaplains were sent to Johnson's Island for having tampered with my command, inducing them to desert. I have steamers Empire City and Daniel Webster here by your order. (See telegram July 9.) Sick will be sent as ordered. Several prisoners made an attempt last night to escape. One was shot dead by the guard and the rest returned to the barracks.

A. SCHOEPF,
Brigadier-General, Commanding.

WASHINGTON, *July 28, 1863.*

Maj. Gen. A. E. BURNSIDE:

The General-in-Chief directs that General Morgan and the officers captured with his command be sent to the Columbus penitentiary. If

it cannot receive them all, send the excess to the most convenient penitentiary in Ohio.

W. HOFFMAN,
Commissary-General of Prisoners.

NORFOLK, VA., *July 28, 1863.*

His Excellency ABRAHAM LINCOLN,
President United States:

The undersigned respectfully request that Dr. D. M. Wright, of this city, charged with the murder of Lieutenant Sanborn, be restored to his home and family or be delivered over to the civil authorities or some other tribunal where he can have the privilege of a fair and impartial trial, which right belongs to every human being.

Very respectfully,

JOHN S. MILLSON.
[And ninety-four other citizens.]

[JULY 28, 1863.—For Pemberton's circular, assuming command of all paroled prisoners at Demopolis, Ala., see Series I, Vol. XXIV, Part III, p. 1034.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, July 29, 1863.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

COLONEL: I respectfully request to be informed whether prisoners of war who have been conscripted or otherwise forced into the rebel service may be released upon taking the oath of allegiance, or whether the cartel requires that all prisoners of war shall be delivered at the points designated for parole or exchange.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major-General.

WASHINGTON, *July 29, 1863.*

Maj. Gen. J. M. SCHOFIELD:

The surgeon recommends that no more than 1,000 prisoners be held at Alton prison at one time. Prisoners of war are not to be forwarded to City Point without order from the War Department.

W. HOFFMAN,
Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 29, 1863.

Maj. Gen. J. M. SCHOFIELD,
Commanding Department of the Missouri, Saint Louis, Mo.:

The General-in-Chief has directed that all rebel officers prisoners of war be confined at the depot on Johnson's Island, near Sandusky, and I have the honor to request that you will order to that point any now at or who may arrive at Saint Louis or Alton, provided it can be done

without danger of carrying the smallpox with them. Under existing orders medical officers and chaplains are to be sent beyond our lines and unconditionally released, but at this time the order is suspended, and I have therefore to request you will detain until further orders at Saint Louis or Alton any who may now be held at either of those places.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 29, 1863.

Brig. Gen. W. W. MORRIS,
Commanding Fort McHenry, Baltimore, Md.:

GENERAL: I am happy to inform you that your recommendation for the erection of barracks for prisoners of war at Fort McHenry has been approved and the necessary orders will be given. I presume the hospital will also be ordered. I forgot to mention to you that I have found the Farmer boiler the most economical and convenient for cooking for prisoners, and I advise you to use them instead of camp-kettles. Those in which the boiler sits inside an outer case are much better than the kind where the boiler is placed on top of the furnace. A boiler of forty gallons and one of fifteen gallons will readily cook for 120 men.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 29, 1863.

Surg. J. SIMONS,
De Camp General Hospital, Davids Island, N. Y.:

SIR: I have returned to Captain Morgan, assistant quartermaster, your estimate for clothing for prisoners of war in your hospital, approved with some exceptions. Your estimate calls for full suits of clothing for 1,000 men, and as it is not intended to issue more clothing than is absolutely necessary, I have stricken off the caps, coats, one-half the shoes, and three-fourths of the stockings. They all have outer garments, such as their own War Department furnishes them, and that must be made to answer them by washing and mending. Your estimate of the 23d was for a large quantity of these articles—quite, I think, enough to supply their reasonable wants. Please accompany your estimates with explanations, that the necessity may be understood.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Cincinnati, Ohio, July 29, 1863.

General MORGAN, *City Prison:*

By direction of the general commanding I am desired to say that no privileges will be granted to your command until official intelligence

is received of the release of Colonel Streight's men, now in confinement at Richmond. Ample rations will be provided. This is written to prevent all unnecessary applications for favors.

After the release of the officers at Richmond the same favors that have always been shown to the prisoners taken by the general commanding will be shown you.

Respectfully,

D. R. LARNED,
Captain and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF S. C., GA., AND FLA.,
Charleston, S. C., July 29, 1863.

His Excellency the GOVERNOR OF THE STATE OF S. CAROLINA:

SIR: I have just been furnished with an official copy of the joint resolution of Congress on the subject of retaliation (No. 74), section 7 of which reads as follows:

All negroes or mulattoes who shall be engaged in war, or be taken in arms against the Confederate States, or who shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States.

In accordance with this act I am now prepared to turn over to you, or to such authorized agent as you may appoint, the negroes and mulattoes recently taken in arms against the Confederate States on James and Morris Islands, to be dealt with according to the laws of the State of South Carolina.

Very respectfully, your obedient servant,

G. T. BEAUREGARD,
General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., July 30, 1863.

Hon. R. OULD, *Agent for Exchange, &c.:*

SIR: On July [June] 10, 1863, the bark Texana, bound from New York to New Orleans, was captured and burned by one James Duke and some fifteen others who were on board the steamer Boston, which steamer they had taken possession of the night before. The pilot of the Texana was permitted to land, but the captain and crew were taken to Mobile, and from thence to Richmond, where ever since they have been confined in the Libby Prison.

This case appears to me to be hard in all its bearings, and I cannot think that the authorities at Richmond would sanction such irregular proceedings or establish such an inhuman precedent were they fully cognizant of the facts in the case. With this is a list of these prisoners, and I hope you will use your best endeavors for their immediate release.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, July 30, 1863.

Hon. ROBERT OULD,
Commissioner for Exchange, &c., Richmond, Va.:

SIR: This will inform you, and through you the authorities under whom you act, that General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command who have not been delivered in compliance with the conditions of the cartel agreed to by Major-General Dix and Major-General Hill.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General, U. S. Vols., and Commissioner for Exchange.

MILITARY PRISON, *Alton, Ill., July 30, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Doctor Keeney, surgeon, U. S. Army, who inspected this prison and the prison hospital some days ago, a copy of whose report has I presume been sent you, recommended that a building for small-pox hospital should be procured immediately outside the prison walls. To procure a building suitable for the purpose is, I find, a difficult matter, for after a thorough search for several days, both in the city and out, I have found no building which can be had that is at all suitable for a hospital. Doctor Williams, of this city, whom I have employed as an assistant in the prison hospital, in compliance with the recommendation of Surgeon Keeney, suggests that a temporary building of plank could be erected upon some vacant lot near the city for smallpox patients. This I suppose can be done at a comparatively small expense, and should the proposition be entertained, I will be obliged if you will advise me whether the cost of such a building can be defrayed from the prison fund, or must the quartermaster's department pay the expense of its erection?

The Seventy-seventh Ohio Volunteers, which has been posted at this place for the past twelve months, was relieved to-day, by order of the commander of the Department of the Missouri, by the Thirty-seventh Iowa, generally called the Silver Grays, it being composed entirely of old men.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry, Commanding the Prison.

JUDGE-ADVOCATE-GENERAL'S OFFICE, *July 31, 1863.*

The SECRETARY OF WAR:

The prisoner, George W. Thompson, appears to have been arrested by the provost-marshal of Western Virginia, or by soldiers acting under his direction. It does not, however, appear on what grounds or for what purpose the arrest was made, though from the returns of the jailer it would seem that he claimed to hold him as a hostage by order of the Governor as constitutional commander-in-chief of Virginia

militia. The provost-marshal should be required to report at once for what offense and by what authority the prisoner was arrested, and the report when received will probably enable the Secretary to dispose of the case. This course is the more obviously proper since there is reason to apprehend that this arrest was made in violation of the declared purpose of the Department in reference to the prisoner. Major Turner, in speaking for the Secretary, stated to the provost-marshal that in case the prisoner had done nothing disloyal since his return he was not to be molested for anything that had occurred prior to his exchange, and Judge Jackson alleges in his opinion that the prisoner has not been charged as guilty of any disloyal practices since the time named. The seizing and holding of hostages in reprisal for captures made by the enemy is certainly an exercise of the war-making power, belonging exclusively to the General Government, and which cannot be shared by the Governor of the States without leading to deplorable complications.

J. HOLT,
Judge-Advocate-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., July 31, 1863.

Maj. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

MAJOR: You will hereafter permit no purchases of clothing by rebel officers prisoners of war, except such as are absolutely necessary. One suit of outer garments and a change of underclothes is all they require, and if they have this they will not be permitted to purchase anything more. If they buy either coats or pants, they must be of gray cloth, such as they wear, with plain buttons, without trimmings. They will not be permitted to buy boots of any kind, and only shoes of poor quality.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, July 31, 1863.

Lieut. Col. WILLIAM H. LUDLOW, *Agent of Exchange:*

SIR: I have found out that Spencer Kellogg at last. He is now in Castle Thunder and has been there perhaps two months. Military prisoners are not confined there as a general rule, and for that reason no inquiry was made in that quarter. He is charged with being a spy and deserter. The specification states that about the latter part of January, 1862, he appeared in front of Columbus, Ky., on the Mississippi, in a small boat, representing himself as a deserter from the Federal service and as desirous of joining the Confederate Army; that he was placed first on the floating battery and afterward transferred to the gun-boat General Polk, and then again at his own request transferred to the engineer corps on duty at Island No. 10; that whilst at the latter place he made sketches and drawings of the fortifications and defenses; that he was arrested and made his escape to the Federal authorities,

by whom he was promoted to the post of master, and while in that capacity was captured on board the Federal gun-boat Essex. The specification alleges that he made the drafts and sketches for the purpose of furnishing them as information to the Federal authorities. These are very grave charges. If they were less so I would send Kellogg to you. I have sent for the witnesses whose names are appended to the specification. They are in the Southwest. Kellogg shall have the speediest possible trial, and if the allegations of the specification are not sustained he will be delivered to you.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

INDIANAPOLIS, IND., *July 31, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: I am a loyal man and love my country and her free institutions and cannot consent to see such favors extended to rebels as are constantly done at Camp Morton and remain silent. I understand you have entire control of all matters pertaining to prisoners of war and for that reason address you.

A short time since John H. Morgan, of the rebel army, made a raid through this State and Ohio and at last was captured with most of his men. About 1,000 of his men were sent to Camp Morton. Hardly had they reached there until their friends crowded to see them, furnishing them with money and clothing and various articles of food, treating and talking to them as martyrs and heroes, and confirming them in their rebel sentiments. Such things are occurring at Camp Morton every day, and any one who will take the trouble to visit headquarters at Camp Morton between 10 and 12 a. m. and 3 to 4 p. m. of every day can see from three to six rebels conversing with their friends, laughing and enjoying themselves and sneering at the Yankees, and boasting of their rebel raid and of what they will do when exchanged. When I remember the cruel treatment our own brave soldiers have always received from the rebels when so unfortunate as to fall into their hands as prisoners I confess it makes my blood boil to see the extreme privileges granted to Morgan's thieves. I cannot say where the fault is, but I am informed that the permission to visit these rebels comes from General Burnside and General Willcox, and you can see at the Bates House in this city ladies and gentlemen from Kentucky flourishing their permits and boasting of the prowess of their relatives in the Confederate Army. And in an hour or two you can see the same parties at Camp Morton enjoying the society of their rebel friends, condoling with them in their misfortune in being captured, and at the same time see them waited on by our own soldiers who have been prisoners to the rebels and who complain bitterly of the treatment awarded to these lawless desperadoes.

These are facts, colonel, as you can ascertain by examination personally or by writing to this place. Captain Hamilton, commanding the camp, Lieutenant Robinson, commissary of prisoners, dare not deny the truth of the statement. As far as Camp Morton is concerned they are both at the post and know that such things are occurring there daily. I could give you my name, but do not care to be mixed up in this affair; but I trust that you will investigate this matter even though this letter is

ANONYMOUS.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 4, 1863.

Respectfully referred to the Secretary of War. The within charges are of a grave character, and though they are presented in a questionable shape, it is respectfully recommended that an investigation be made.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

Laid before the Secretary of War, who sent dispatches to General Willcox, General Burnside, and Governor Morton, directing the proper steps to correct the evils reported.

W. H.

GENERAL ORDERS, No. 252. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, July 31, 1863.

The following order of the President is published for the information and government of all concerned:

EXECUTIVE MANSION, *Washington, July 30, 1863.*

It is the duty of every Government to give protection to its citizens, of whatsoever class, color, or condition, and especially to those who are duly organized as soldiers in the public service. The law of nations and the usages and customs of war, as carried on by civilized powers, permit no distinction as to color in the treatment of prisoners of war as public enemies. To sell or enslave any captured person on account of his color and for no offense against the laws of war is a relapse into barbarism and a crime against the civilization of the age.

The Government of the United States will give the same protection to all its soldiers; and if the enemy shall sell or enslave any one because of his color, the offense shall be punished by retaliation upon the enemy's prisoners in our possession.

It is therefore ordered that for every soldier of the United States killed in violation of the laws of war a rebel soldier shall be executed, and for every one enslaved by the enemy or sold into slavery a rebel soldier shall be placed at hard labor on the public works and continued at such labor until the other shall be released and receive the treatment due to a prisoner of war.

ABRAHAM LINCOLN.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[AUGUST 1, 1863.—For reports of Cols. John Coburn and William L. Utley of their capture at Thompson's Station, Tenn., March 5, 1863, and subsequent treatment as prisoners of war, see Series I, Vol. XXIII, Part I, p. 85 *et seq.*]

HEADQUARTERS OF THE ARMY,
Washington, D. C., August 1, 1863.

Major-General ROSECRANS, *Nashville:*

A Major Jones, Twenty-eighth Mississippi, has presented himself with authority by you to go South on parole. Such authority is in violation of the orders of the War Department and the parole null and void.

H. W. HALLECK,
General-in-Chief.

(Copy furnished Colonel Hoffman.)

WINCHESTER, TENN., *August 1, 1863.*

Major-General HALLECK:

The case of Major Jones was peculiar. He had promise from General Granger before the publication of that order; wounds prevented him from availing himself of it until lately. An urgent appeal from him and Granger's recommendation induced me to regard Granger's promise as a sort of contract. I leave the matter in your hands.

W. S. ROSECRANS,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 1, 1863.

Brig. Gen. S. A. MEREDITH,
Agent for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I inclose herewith papers which were referred to me by Colonel Ludlow for information. Should Mr. Ould express a desire to release a Mr. J. Harvey Sherman, who is now held a prisoner at Richmond, in exchange for Henry A. Williams, now at the Old Capitol, such a proposition will be received and considered. A proposition for the exchange cannot be made by us. In a letter addressed to me by Colonel Ludlow on the 22d ultimo, he inquires about a number of rebel officers held by us as prisoners of war. Capt. R. W. Baylor, held at Fort McHenry, has been tried and is awaiting the decision of the court-martial. Captain Compton, captured in Virginia with letters and papers from the Southern Confederacy, tried as a spy and sentenced to be hung, reprieved by the President, in confinement at Fort McHenry. Major Armesy, or Ormsley, sent within our lines to recruit for the rebel service, confined at Fort McHenry. Lieutenant Davis, sent within our lines to recruit for the rebel service, confined at Fort McHenry. Capt. W. F. Gordon, sent from Fort McHenry to Fort Delaware temporarily, has to return to Fort McHenry for trial. Captain Camp; have no record of him. James W. Foster; have no record of him. Lee A. Dunn; have no record of him. Col. A. Talcott, citizen of Mexico, captured in New York City, March 27, 1863, and now at Fort Warren. Maj. C. B. Owsley; have no record of him. All these prisoners are treated with as much attention and kindness as is consistent with their position, and no harsh treatment is permitted. I have made several applications for the names of prisoners who have died in Richmond and elsewhere, and I will be obliged to you if you will endeavor to obtain such rolls from Mr. Ould. We have furnished very full rolls of rebel prisoners who have died in our hospitals.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 1, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to inclose herewith letters* in behalf of Surgeon Whitney, Thirteenth Massachusetts Volunteers, and Chaplain J. Harvey, One hundred and tenth Ohio Volunteers, both of whom are

* Not found.

now held as prisoners of war at Richmond, and it is desired that all proper steps be taken to secure their release. It is not known why Surgeon Whitney is held in prison, but it appears by the accompanying letter that Chaplain Harvey is held because his wife is charged with taking a negro girl with her from Winchester, Va., to Ohio. The precise facts of this case are not known. It is understood that the chaplain's wife has alleged that she had permission to take a colored girl to attend her. It is not believed that the chaplain himself had anything to do in the matter, and you will please urge this reasonable view on Mr. Ould.

I am not informed whether there is any reasonable objection to the unconditional release of medical officers and chaplains without exchange as heretofore, excepting the three or four medical officers who are held by both parties as hostages; on our side for Doctor Rucker, a citizen of Virginia, held by the Richmond authorities, and on the rebel side for Surgeon Green, of the Confederate Army, held at Fort Monroe for Doctor Rucker. If, with the above exceptions, the Confederates release our medical officers and chaplains, I will continue to forward all such officers who may be in our hands for delivery at City Point.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPARTMENT, *Washington, August 1, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief, U. S. Army:*

I have the honor to report upon the note and accompaniment of the Secretary of State of the 1st instant relative to Captains Phillips and Wynne, of the British military forces in Canada, charged with violating the U. S. military regulations by evading the military lines and joining the insurgents at Fredericksburg. That on the 20th and 22d of January last* I reported to the Secretary of State all the facts and circumstances in my possession touching Captain Wynne's evading the military lines of the United States, joining the insurgents in Richmond and Fredericksburg, his arrest and commitment to the Old Capitol Prison, &c. In regard to Captain Phillips, he evaded arrest while going and returning through the U. S. military lines, and the only evidence against him is to be found in the verified statement of Captain Wynne and in the papers found on the person of Captain Wynne. The examination of Captain Wynne and the papers found in his possession established the following facts: That Captains Wynne and Phillips came to Baltimore from Canada with the intention of visiting the insurgent army; that they affiliated and counseled with the rebel sympathizers in Baltimore as to the time and place of evading the U. S. military lines; that letters were taken by them from persons in Baltimore, because a rebel officer wrote a letter certifying that "Captains Phillips and Wynne came highly accredited from Baltimore," and this letter was found on Captain Wynne's person. That Captains Wynne and Phillips did, after affiliating and counseling with disaffected persons in Baltimore, and receiving letters of credit, clandestinely evade the U. S. military lines and join the insurgents, and that they made no application to the U. S. authorities for a permit to pass the lines; that Captain Wynne upon his examination and under oath frankly and earnestly stated that his sympathies

*See Vol. V, this series, pp. 196, 201.

were with the rebels. The only fact additional to what has been heretofore communicated is this: That Captain Wynne made his escape from the Old Capitol Prison by cutting through a door, and reached Canada via Baltimore, in which city he was concealed and aided by disloyalists.

I have the honor to be, general, very respectfully, your obedient servant,

L. C. TURNER,
Judge-Advocate.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

Brigadier-General MEREDITH, *Agent of Exchange:*

SIR: I am in receipt of your communication of the 30th ultimo informing me that "General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command." I beg leave respectfully to ask what you mean by "close confinement?" In what respect will that "close confinement" differ from the confinement of other prisoners, officers and men?

Colonel Streight's command is treated exactly as are the other officers held in captivity by us. What that treatment is you can find from any conscientious officer who has lately been confined in the Libby. You will hear no complaint from me or from the Confederate authorities so long as our officers receive the treatment which yours do here.

You further say that Colonel Streight's command have not been delivered in compliance with the conditions of the cartel agreed to by Major-General Dix and Major-General Hill. In retaining Colonel Streight and his command, the Confederate authorities have not gone as far as those of the United States have claimed for themselves the right to go ever since the establishment of the cartel. You have claimed and exercised the right to retain officers and men indefinitely, not only upon charges actually preferred, but upon mere suspicion. You have now in custody officers who were in confinement when the cartel was framed and who have since been declared exchanged. Some of them have been tried, but most of them have languished in prison all the weary time without trial or charges. I stand prepared to prove these assertions. This course was pursued, too, in the face not only of notice, but of protest. Do you deny to us the right to detain officers and men for trial upon grave charges while you claim the right to keep in confinement any who may be the objects of your suspicion or special enmity?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Your communication respecting Messrs. Brengle and Brink and the members of the Sanitary Commission has been received.

I will make due inquiry into the alleged facts and hereafter inform you of my conclusions. In the meantime allow me to say that it appears by your own communication that Mr. Brengle had just been

engaged in performing service for one of your garrisons in response to a pressing demand from one of your own officers.

For the purpose of showing to you the position of the Confederate Government in relation to the imprisonment of non-combatants, I now renew to you the proposal which I have frequently tendered to your predecessor. I propose that all the non-combatants now held in prison on either side be immediately and unconditionally released, and further, that both Governments agree that no captures of non-combatants shall hereafter be made. If the latter branch of this proposition is too broad I will thank you to suggest any proper modifications.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In my communication to Lieutenant-Colonel Ludlow of the 26th of July, 1863, the following paragraph occurs, to wit:

> If you hold the paroles of our officers of any rank, as you state, you have only to present them, and whatever is in our hands, whether on parole or in captivity, will be freely given in exchange for them.

As the language of the paragraph might authorize a conclusion which was not intended by me, I will explain what I meant. Of course I did not mean I would release your officers who were in confinement for those of ours who were on parole so long as any of our officers were kept in prison by your authorities. I simply meant to reiterate the proposition which was very distinctly and more fully announced by me in a former correspondence with Lieutenant-Colonel Ludlow in relation to the Federal officers who were paroled early in this year in Kentucky and Tennessee. I intended to say that if at any time we had an excess of officers in confinement and you had an excess of paroles, after the officers in confinement on both sides were set off against each other, I would exchange the surplus in prison for officers on parole.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In the Army and Navy Official Gazette of the date of July 14, 1863, I find a letter of Lieut. Col. William H. Ludlow, of the date of July 7, 1863, addressed to Col. J. C. Kelton. In it is the following paragraph, to wit:

> I have the honor also to state that since the 22d of May last it has been distinctly understood between Mr. Ould and myself that all captures must be reduced to possession and that all paroles are to be disregarded unless taken under the special arrangement of commanding officers of armies in the field as prescribed in section 7 of the cartel.

If Lieutenant-Colonel Ludlow means that he had declared to me that such was the rule which had been adopted by the United States in

relation to captures and paroles to go into effect from and after May 23, 1863, he is entirely right. If he means that I at any time consented to adopt or acquiesce in any such rule, he is entirely wrong. All that passed between us on that subject is in writing. The correspondence will interpret itself.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have declared exchanged all Confederate soldiers who have been delivered at City Point up to July 20, 1863. The equivalents I have already sent to you by the same route.

You can release an equal number of your own men.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have received your communication in reference to the captain and crew of the bark Texana. In it you speak of "irregular procedures" and "inhuman precedents." If you had been acquainted with the action of your own authorities in similar cases you would hardly have used such language.

I refer you to the several communications of mine to Lieutenant-Colonel Ludlow in reference to the detention of the masters and pilots of Confederate steamers, and especially to my indorsement dated June 29 upon his application for the release of the officers and crew of the steamer Emily.

The "irregular procedures" and "inhuman precedents" are not to be found in the action of the Confederate authorities. The slightest search will disclose them elsewhere, however. You have now in your prisons the following:

Captain Floyd and the other officers and crew of the ferry-boat De Soto. They are in prison in Saint Louis, Mo., and have been since January last.

The officers and crew of the schooner Belle, captured last February off Charleston. Some of the officers are now at Fort Lafayette.

The officers and crew of the steamer Cuba, captured off Mobile last May. The captain is at Key West in prison.

The officers and crew of the steamer Emma Bett, captured in June last in the Sunflower River, Miss. They are said to be in Camp Chase. They are certainly in captivity.

The officers and crew of the steamer Britannia, captured off Charleston in July, 1863.

The officers and crew of the steamer Glide. The captain (Perry) is at Fort Lafayette.

To convince you more fully that the Confederate authorities have no desire to initiate "irregular procedures" or establish "inhuman precedents" in the direction you indicate, I propose that the officers and

crews of all vessels who are now held in confinement by either the United States or the Confederate States be immediately released, equivalents from the army to be given to the party which has the excess. This proposition practically tests who favors the "irregular procedures" and "inhuman precedents."

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

NORFOLK, VA., *August 1, 1863.*

Col. JOSEPH HOLT,
Judge-Advocate-General, Washington:

COLONEL: I am directed to transmit the proceedings* in the trial of Dr. D. M. Wright, with the approval of Brig. Gen. Henry M. Naglee thereon.

Very respectfully, your obedient servant,

GEORGE H. JOHNSTON,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 1, 1863.

His Excellency M. L. BONHAM,
Governor of South Carolina, Charleston, S. C.:

SIR: I have the honor to acknowledge the receipt of your letter demanding the delivery to you of negroes captured in arms in the recent engagements in your State. I have no hesitation in complying, since the explicit terms of the joint resolution passed at the last session of Congress on the subject of retaliation require that "all negroes and mulattoes who shall be engaged in war, or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States." Previous to the receipt of your letter, in answer to the inquiries of the general commanding the department embracing your State, I had informed him of the provisions of these resolutions, and by telegraph directed the delivery of the captured negroes to the authorities of South Carolina. Such delivery, I presume, has been made in pursuance of these instructions; but if not, explicit and more formal orders will be sent for their delivery to you.

With high esteem, most respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, August 2, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to forward latest Southern papers. I left City Point, Va., at 12 o'clock to-day with 760 Federal prisoners of war, twenty women, and some twenty citizen prisoners (boys, ten to fourteen years of age), picked up at and about Winchester. I was

* Not found, but see Holt to the President, August 19, p. 216.

informed by Captain Hatch, assistant agent for exchange, that there were now (August 2) in Richmond about 6,000 Federal prisoners of war, besides some 600 officers. They seemed much elated over Charleston affairs and the reported successes of "Dick Taylor."

I have the honor to remain, sir, your humble servant,

JNO. E. MULFORD,
Major Third Infantry New York Volunteers.

HDQRS. PAROLED AND EXCHANGED PRISONERS,
Demopolis, August 2, 1863.

Col. B. S. EWELL,
Assistant Adjutant-General, Morton, Miss.:

COLONEL: I beg leave to hand you inclosed herewith copies of instructions received from Richmond relative to men captured and paroled on the battle-field. From said instructions I have forwarded to your headquarters some 100 and odd men whose paroles were illegal, as decided by the Secretary of War.

In regard to the Port Hudson prisoners I have in consultation with Lieutenant-General Pemberton, General Stevenson, and Commissioner Watts decided their paroles to be illegal, as they were not properly paroled. I have in camp some 500 of said prisoners, the balance being scattered all over the country, having been furloughed by different officers. I therefore ask your instructions in regard to them, whether I should recall them or not. Lieutenant-General Pemberton has taken charge of all the Vicksburg prisoners and has furloughed the most of them. I have in charge all the Port Hudson prisoners and others, and therefore ask your instructions whether I should furlough them. They claim that they are entitled to the same privilege as the Vicksburg prisoners.

Hoping to have instructions from you at your earliest convenience, I remain, colonel, respectfully, your most obedient servant,

HENRY C. DAVIS,
Major, Commanding.

EXECUTIVE MANSION, *Washington, August 3, 1863.*

Major-General FOSTER (*or whoever may be in command of the military department, with headquarters at Fort Monroe, Va.*):

If Doctor Wright, on trial at Norfolk, has been or shall be convicted, send me a transcript of his trial and conviction, and do not let execution be done upon him until my further order.

A. LINCOLN.

FORT MONROE, *August 3, 1863.*

His Excellency A. LINCOLN, *President of the United States:*

Your telegram of this date I have the honor to acknowledge. Your orders will be strictly obeyed. The trial is concluded. General Naglee informs me that the proceedings, findings, and sentence have been forwarded to you for your revision and approval.

J. G. FOSTER,
Major-General, Commanding.

NAVY DEPARTMENT, *Washington, August 3, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I transmit herewith and earnestly invite your attention to the pressing appeal of three prisoners captured on board the gun-boat Isaac Smith, and who at the last accounts were closely confined in Charleston jail. The application comes to me through the American vice-consul at Nassau, to whom they found means to convey their communication. These three prisoners are colored men who were regularly shipped in New York and have, as Lieutenant-Colonel Ludlow informed the Assistant Secretary of the Navy, been declared exchanged with the rest of the crew of the Isaac Smith, but it has been hitherto averred they could not be found. From the walls of their prison they make themselves heard, and you will excuse me for inviting your special attention to their case after the long and rigorous confinement they have endured under the extraordinary circumstances mentioned.

I have the honor to be, &c.,

GIDEON WELLES,
Secretary of the Navy.

[First indorsement.]

Referred to Major-General Hitchcock.

E. M. S.

[Second indorsement.]

There have been other cases like this in which the undersigned has been compelled to report his opinion that they can only be effectually reached by a successful prosecution of the war.

As a matter of fact the rebellion exists on a question connected with the right or power of the South to hold the colored race in slavery; and the South will only yield this right under military compulsion. The facts complained of in this paper appeal in the strongest manner to the loyal people of the United States to prosecute this war with all the energy that God has given them.

E. A. HITCHCOCK,
Major-General of Vols., Commissioner for Exchange of Prisoners.

[Inclosure.]

CHARLESTON JAIL, *June 30, 1863.*

U. S. CONSUL, *Nassau:*

RESPECTED SIR: There are three of us colored men that shipped in New York on the 26th of September, 1862, on board the U. S. gun-boat Isaac Smith. We were waiting on officers on board of her. She was captured in Stono River near Charleston on the 31st of January, 1863, and ever since then we have been confined in Charleston jail. We are locked up all the time in close confinement in a very small cell, and we are almost dead. We are not allowed to make any complaints. We do not get anything to eat but a little corn bread and water, and not half enough of that. We have not got any money or clothes and our sufferings are unspeakable. All the officers and men of our boat have gone home. They sent them on right away, but they kept us here. We were born in New York and shipped from there. We have done no crime, and, in the name of God, are we to be protected and aided or are we to be left here to die? They threaten us with all kinds of punishment and grant us no favors whatever. Are we to be exchanged or are we to be left here to perish? Do, for God's sake, do something in our

behalf. We have been here a long time and we see no prospect of getting home, and we suppose the Government has forgotten us altogether, as it does not seem to do anything for us. We belong to the United States Navy and we ask for aid and protection. This is very likely the last opportunity we shall have of writing to you or any one else, and if you do not sympathize with us God knows what will become of us. We were wounded in the engagement of the Smith and lost all our clothes and were very destitute. I wish you would please send us some money as we stand in need of some very much. We would like to get home very much as we are very uneasy concerning our families in New York, who are depending on us for support; and it will be a great source of comfort to us if you would write us a small note stating that you had received this letter, also what was to be done with us. We feel very uneasy to know when we are going North. I do not think they will send us on unless the Government does something for us. They have had plenty of opportunities to send us on but they have not done so. They say they will keep us till the war is over. We are sick all the time. Being shut up so close all the time we are in a very bad situation, indeed.

Please to do something in our behalf.

Yours, with respect,

ORIN H. BROWN,
WILLIAM H. JOHNSON,
WILLIAM WILSON,
From New York City.

WASHINGTON, D. C., *August 3, 1863.*

Major-General FOSTER, *Fortress Monroe:*

Edward Warren, surgeon-general of North Carolina, desires permission to come within our lines to examine the condition of the wounded North Carolina prisoners. What do you think of it? Should he have the leave, and what sort of a man is he? I have been waiting your return to write to you, and may perhaps visit you in a few days if you remain at Fortress Monroe.

EDWIN M. STANTON.

FORT MONROE, VA., *August 3, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

I know of no particular reason why Surg. Gen. Edward Warren, of North Carolina, should be admitted within our lines, but would recommend his admission for the purpose you named. I think many leading men of North Carolina are conservative and many certainly are antagonistic to the Southern Confederacy. Doctor Warren's admission showing a partiality and preference for North Carolina may widen a little the breach.

I propose to make a reconnaissance within the enemy's lines to-morrow morning, lasting three days, from which I hope to obtain important information. At the end of that time if you would make your visit, I will be able to lay before you some important facts. If you will telegraph me when you will come a boat can meet you wherever you may designate. I shall be pleased to see you at any time, but more particularly at this time, as a consultation between us might determine our future policy and movements in my department.

J. G. FOSTER,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., August 3, 1863.

Brig. Gen. J. S. MARMADUKE,
Commanding Confederate Forces:

GENERAL: In reply to your communication dated July 20, and received on the 1st instant from Capt. John C. Moore, bearer of flag of truce, I have the honor to inform you that the case of exchange you refer to having been submitted to me on the 20th of July last, I ordered the agreement to be carried out, and that Major Blackwell, Captain Woodsmall, and Adjutant Edwards be sent to your lines without delay.

The agreement was disapproved by General Davidson because it was not in accordance with the terms of the cartel and in violation of existing orders of the United States Government. Being satisfied, however, that the agreement was made in good faith by both parties, and had been carried out by the Confederate authorities, I ordered it to be carried out on our part.

Necessary delay has arisen from the fact that two of the officers, Major Blackwell and Adjutant Edwards, had been sent to a distant depot, and the other, Captain Woodsmall, was sick. The last named is sent with your present flag, and the others will be sent upon their return to Saint Louis, which has been requested of the Commissary-General of Prisoners.

Permit me, general, to correct a very singular delusion which you seem to be laboring under concerning a certain agreement entered into between General Blunt and General Hindman. General Blunt was not in command of this department, and could not make an agreement with the enemy which should be binding beyond the limits of the small force there under his command. Indeed, it is absurd to suppose that either General Blunt or General Hindman intended to make any such general rule. To prevent any such misapprehension in future, I inclose herewith for your information copies of orders from the General-in-Chief of the United States Army, which, together with the cartel, will hereafter be the rule of action throughout this department.

I have the honor to be, your obedient servant,

J. M. SCHOFIELD,
Major-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., August 3, 1863.

Brig. Gen. JOHN S. MARMADUKE,
Commanding Confederate Forces:

GENERAL: Your letter of July 20 relative to the case of Lieut. C. D. Burbridge, C. S. Army, is received. In it you say Lieutenant-General Holmes will "mete out full retaliation" if execution follows conviction in his case. I am informed that Lieutenant Burbridge passed through Saint Louis disguised as a citizen and was arrested north of the Missouri River in the same disguise. His case has not yet been decided. Whatever facts may appear on trial of the case, the finding and sentence will doubtless be in accordance therewith, and whatever the sentence may be, if approved by the President, to whom it must be referred, it will undoubtedly be executed without reference to any threat of retaliation on the part of Lieutenant-General Holmes. General Holmes cannot be ignorant of the simple rules of war in such cases; indeed, I am fully informed of their application in several instances by him and his subordinates.

General Holmes may be assured that if he adopts the barbarous system he suggests I shall not hesitate to meet him in the mode universally recognized among civilized nations.

I have the honor to be, your obedient servant,

J. M. SCHOFIELD,
Major-General.

AUGUST 3, 1863.

General MASON, *Camp Chase, Columbus:*

I do not think it advisable, against their own will, to trim the hair or shave the beard of the officers who arrived from Johnson's Island to be confined in the Ohio penitentiary.

A. E. BURNSIDE,
Major-General.

HEADQUARTERS U. S. FORCES,
*Columbus, Ohio, August 3, 1863.**

Maj. Gen. A. E. BURNSIDE,
Commanding Department of the Ohio:

GENERAL: I have just received your telegram with reference to the prisoners from Johnson's Island, and regret that it was too late, as they arrived at 3.30 p. m. Saturday and were taken at once to the penitentiary.

The prisoners were turned over to the warden upon their arrival, and when taken into the prison were bathed, their hair cut, and beards shaved. The cells to be occupied by them were new, sweet, and clean. The warden was desirous of keeping them so. Some of the first arrivals were covered with vermin, which particular ones I know not, and if an error has been committed by the warden it was an unintentional one. He treats them all with kindness. The question did not occur either to the Governor or myself until after the greater portion of them had entered the prison.

I had seen a copy of Governor Tod's instructions to the warden, and supposed I had done all that was required in delivering the prisoners and seeing the number on the rolls verified. In future I will act on your suggestions fully, and regret that I did not receive it earlier.

Your obedient servant,

JNO. S. MASON,
Brigadier-General of Volunteers.

GLEN COVE, LONG ISLAND, N. Y., *August 4, 1863.*

Major-General HALLECK:

GENERAL: Permit me to again draw your attention to the case of Mr. Spencer Kellogg, fourth master of the Essex, who was taken prisoner at Port Hudson. Mr. Kellogg's father called on me at this place and showed me a letter dated at Jackson, Miss., from Mr. Kellogg to his wife, stating that he was condemned to be shot by sentence of court-martial. Since then (May) the prisoners of Jackson have been removed to Richmond, and this officer may possibly be among them. I respectfully request that under the proclamation of the President of July 30

* See also Mason to Burnside, August 2, Series I, Vol. XXIII, Part I, p. 815.

an officer of the rebel army be selected and confined as a hostage for the safety of Mr. Kellogg. This officer at a former period performed valuable services for the Government of a character which it would not be proper for me to state in a written communication, but they were of a character which could only be intrusted to a brave and faithful officer.

I have the honor to be, general, your most obedient servant,

W. D. PORTER,
Commodore, U. S. Navy.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., August 4, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Mr. Ould has declared exchanged all Confederate soldiers who have been delivered at City Point up to July 20, 1863, which makes a balance in our favor of 3,350. Where do you wish the balance applied?

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 4, 1863.

Brig. Gen. A. SCHOEPF,
Commanding Fort Delaware, Del.:

GENERAL: Applications for release on taking the oath of allegiance by prisoners of war or citizens are not entertained unless some good reason is urged for granting this indulgence. It must be shown to the satisfaction of the examining officer that the applicant was forced into the rebel service against his will and has taken advantage of the first opportunity to free himself from it; or it may be granted as a favor to his family or friends, they being all loyal people and vouching for his sincerity in desiring to take the oath of allegiance; or it may be granted on account of the youth of the applicant, it being shown that he was led away by the influence of vicious companions, his Union friends guaranteeing his future loyal conduct. Unless the cases are presented substantially after this manner, with your recommendation, it is not worth while to forward them. I respectfully return herewith several applications for such further information of a commendatory character as you may be able to give.

The citizen prisoners who were sent to Fort Delaware from Camp Chase had an opportunity while at that camp to establish their claim to be released, and as they were sent forward for exchange it is probable little can be said in their favor. There is a commissioner at the camp to examine all doubtful cases. It must be understood when a discharge is granted that under no circumstances does it carry with it exemption from any of the duties as a citizen.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 4, 1863.

W. D. HENNEN, Esq.:

SIR: You have been selected by this Department, and are hereby commissioned, to make a full examination into the cases of all the prisoners not connected with the Confederate Army held in confinement by the military authorities of the Confederate States of America at any military post or prison in the Department of East Tennessee.

You will communicate this appointment to the military commander in the said department and inquire where such prisoners are confined, and with as little delay as practicable will repair to the respective posts or prisons and enter upon the discharge of the duties assigned.

You are authorized to require the production of all documentary testimony and military orders respecting such prisoners, may examine any witnesses who can be produced for or against them, and may hear any statements which the prisoners desire or are willing to make. You are authorized to discharge, either absolutely or upon such oath or parole as you may think proper, all prisoners against whom no well-founded suspicion of having violated any law of the Confederate States may exist, or where longer detention you may think not demanded by the public interest, and to transfer to the civil authorities of the State or Confederacy such prisoners as you may think answerable to their jurisdiction. Orders will be issued to the commanding officer of the Department of East Tennessee to render you every facility in the discharge of your duties and to obey your instructions in regard to the prisoners you may examine. A full report of your proceedings under this commission and your opinion in regard to each prisoner examined will be made by you as promptly as practicable.

The commanding officer of the Department of East Tennessee will be instructed to advise with you upon any questions arising in his jurisdiction which may require the aid of legal counsel and to retain you to appear in behalf of the Government in any judicial investigation in which he may judge it necessary for the interests of the Government to be protected by counsel.

You will notify the Department on receipt of this communication whether you will accept the position assigned you, and when it will comport with your convenience to enter upon the discharge of the duties.

By way of compensation for your services you will be allowed the sum of $150 per month, to be paid on the order of the commanding officer of the Department of East Tennessee by any quartermaster of the Confederate States, and transportation will be furnished you for all necessary travel by the commandants of the several posts. The rate of compensation above named is not designed to preclude your right to demand and receive additional compensation for services in court.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Assistant Secretary of War.

[Indorsement.] AUGUST 7, 1863.

ADJUTANT-GENERAL:

Send this copy of letter to W. D. Hennen, esq., to Major-General Buckner, commanding Department of East Tennessee, and instruct him to issue all orders necessary to enable Mr. Hennen to discharge the duties and exercise the powers herein prescribed and delegated.

By order Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

[AUGUST 4, 1863.—For Special Orders, No. 184, Adjutant and Inspector General's Office, Richmond, providing for a military court* to inquire into the surrender of Vicksburg and Port Hudson, see Series I, Vol. XXIV, Part III, p. 1045, and for correspondence on same subject see pp. 1034, 1057, and 1058, *ibid.*]

CINCINNATI, *August 5, 1863.*

Hon. E. M. STANTON:

I deem it of the greatest importance that some discretion be allowed me in releasing prisoners of war from Kentucky upon their taking the oath of allegiance and giving heavy bonds for future good behavior and loyalty. Much good can be accomplished by the proper use of this discretion, and harm, I think, is resulting from the present stringent orders.

A. E. BURNSIDE,
Major-General.

WASHINGTON, *August 5, 1863.*

General BURNSIDE:

You are authorized to release on parole and bonds such prisoners of war as do not wish to be exchanged and who on full examination are deemed to be sincere in their intention in taking oath of allegiance to the United States.

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS U. S. FORCES,
Port Hudson, La., August 5, 1863.

Brig. Gen. J. L. LOGAN, or
COMDG. OFFICER CONFEDERATE FORCES AT OR NEAR JACKSON, LA.:

SIR: I have been informed by several eye-witnesses that two of the colored soldiers of this command have been recently hanged at or near Jackson, La., by the men of your command. I am also further informed that some of the colored soldiers of this command were, while prisoners of war, badly beaten and otherwise ill-treated. I cannot doubt that these outrages were committed without your authority, but it is my duty to call upon you to disavow these acts and to punish the perpetrators thereof. I would also suggest the expediency of reminding the men of your command, that while it may be difficult to discover and bring to justice those concerned in such crimes, particularly when, as it is certainly probable, they are at least not repressed by some of your junior officers as they might be, it is not at all difficult to retaliate severely upon the prisoners in our hands and upon those that may be taken hereafter. The severest measures of retaliation will

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*There is no record of any proceedings of this court. September 8, 1863, by direction of the Secretary of War, the following order was issued from the office of the Adjutant and Inspector General:

"The court of inquiry appointed in Special Orders, No. 184, Paragraph XX, current series, will suspend its sessions until further orders from this office. The officers will return to their proper stations."

certainly be adopted on my part if such outrages should be again committed, or if those herein mentioned are not disavowed and the perpetrators properly dealt with.

I am, general, respectfully, your obedient servant,

GEO. L. ANDREWS,
Brigadier-General of Volunteers, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 5, 1863.

Maj. Gen. J. M. SCHOFIELD,
Commanding Department of the Missouri, Saint Louis, Mo.:

GENERAL: Your letter of the 29th July, addressed to the Adjutant-General, in relation to the release of prisoners of war, has been referred to this office, and by direction of the Secretary of War I have the honor to inform you that prisoners of war who have been impressed into the rebel service and wish to enter our Army may be permitted to do so when the examining officer is satisfied of the applicant's good faith and that the facts of the case are as represented. Prisoners of war are not permitted to take the oath of allegiance and be discharged unless some sufficient reason is urged for granting this indulgence. It must be shown to the satisfaction of the examining officer who reports the case that the applicant was forced into the rebel service against his will and has taken advantage of the first opportunity to endeavor to free himself from it; or it may be granted as a favor to his family or friends, they being all loyal people and vouching for his sincerity in desiring to become a loyal citizen; or it may be granted on account of the youth of the applicant, it being shown that he was led away by the influence of vicious companions, his Union friends guaranteeing his future good conduct. Cases must be presented substantially after this manner, with all the papers, through this office, for the approval of the Secretary of War, on whose order alone the discharge can be granted. The oath of allegiance must be without qualification, and it must be understood that under no circumstances does the discharge carry with it an exemption from any of the duties of a citizen. When prisoners of war are discharged on taking the oath of allegiance an ordinary descriptive roll should be furnished to this office, giving in the column of remarks the history of each case. I will send you blanks for this purpose as soon as they can be printed.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 5, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to inclose herewith a list* of Federal troops delivered and paroled at City Point and other places up to 31st ultimo, and also an abstract of Confederate prisoners of war delivered and paroled at City Point, Vicksburg, and other places. I presume you have received from Colonel Ludlow rolls of all prisoners received

* Omitted.

and delivered by him at City Point, and also the rolls which were furnished to him from this office of prisoners received and delivered in the West. The number of Confederate prisoners now on parole and subject to exchange will be made up of the delivered at City Point and some few at other places, of which you have rolls, added to those paroled by General Grant, as shown by the abstract. The Federal troops have been in great part delivered at City Point, and so far there will be no difficulty in arranging an exchange; but there are many in the West captured in small parties whom it will be difficult to classify, and it will perhaps be necessary in the declaration to designate them by giving the number of each regiment and the time and place of capture, unless you can cover them, as in former declarations, by a general phrase, including all captures in certain States up to a certain time. There are a number of women in the abstract, but they, I presume, are not to be exchanged. Mr. Ould is doubtless provided with a roll of General Grant's captures, but to place the whole matter in your hands I send you a duplicate roll.

On the 19th ultimo I requested Colonel Ludlow to furnish me a roll of prisoners received at Fort Monroe from the Southern coast. Will you please send me such a roll as early as practicable? It is very desirable that an exchange of all Federal officers and men now on parole be effected as early as practicable, and the papers I send you will doubtless lead to its speedy accomplishment.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

MILITARY PRISON, *Alton, Ill., August 5, 1863.*

DOCTOR: In reply to yours of the 4th, requesting me to inform you what progress has been made in isolating the cases of smallpox from this prison, I have to report that nothing as yet has been done in the matter. The principal difficulty is to find a place within a reasonable distance of the prison, suitable in all respects to locate a smallpox hospital. I was out with Doctor Williams yesterday in search of a place for that purpose, but failed to find one. The doctor is out again this morning looking for a location. Should he fail to find a suitable place we may have to take to a small island in the Mississippi, opposite the town, in which case we shall require a boat or two, in order to communicate with the island. The people who own property in the vicinity of the city are averse to having a smallpox hospital placed on or near their grounds.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,

Major Third Infantry, Commanding the Prison.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 7th day of July last Lieut. Col. William H. Ludlow wrote to me that a certain General Order, No. 207, had been issued in relation to paroles. On the 23d of May, 1863, he gave me notice that General Orders, No. 100, was to be in force.

In that last general order, in paragraph 131, it was stated that "if the Government does not approve of the parole the paroled officer must return into captivity, &c." I take it that General Orders, No. 100, so far as your authorities are concerned, continued in force at least until it was superseded by subsequent general orders. Before the 3d of July, 1863, a large number of your officers and men were captured and paroled by our forces in Maryland and elsewhere. Many of the paroles on their face state that the parties were informed of the position which your Government had taken with respect to paroles, and that they entered into the parole knowing that fact and pledging themselves to deliver themselves into our custody if the parole should be refused or ignored by your Government. Others stated that they entered into the parole because they were wounded, knowing if they did not do so they would be carried within our lines to the imminent risk of their lives.

I shall insist that these paroles shall be respected and equivalents given for the officers and men named therein, or that the parties giving them shall be delivered in person at City Point. In doing so I only carry out your own general order in force at the time.

If you object to this it is only another reason why we should meet at an early date to adjust the matters of difference between us.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, August 7, 1863.

Respectfully referred to Maj. Gen. E. A. Hitchcock.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 18th of July last I addressed two communications to Lieut. Col. William H. Ludlow in relation to Capt. R. W. Baylor, Lee A. Dunn, Captain Compton, Major Armesy, Lieutenant Davis, Capt. William F. Gordon, and Captain Camp. I have received your letter of the 4th instant to those communications. May I request of you the favor to read over those communications and ask yourself whether the reply is a frank one. Has one substantial inquiry that I made been answered? I have had occasion frequently heretofore to complain that no notice was taken of my inquiries. This sort of notice, however, is little better than silence. If your inquiries of me and mine of you are not fully and frankly answered it is useless for us to write. If a response cannot be given to the inquiry why cannot at least that be said. I again request that an answer be given to my inquiries of the 18th ultimo.

You have given no reply to my communication of the 1st instant in relation to the confinement of General John H. Morgan and his officers; none respecting my proposition of the same date concerning the officers and crews of vessels who are held in confinement, and none to my letter about the immediate and unconditional release of non-combatants.

Will you do me the favor to reply to them? They were written in answer to your own inquiries, and respecting subjects brought into discussion by yourself. I did not thrust them upon you. Will you answer them or give me some reason why you will not?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I beg leave to call your special attention to the two inclosed communications* from our Surgeon-General. Will you be so kind as to return me a speedy answer to the letter of the 28th ultimo, addressed to me? The other is no less worthy of your notice. Can nothing be done to stop the fearful mortality at Fort Delaware? Is it intended to fill our land with mourning by such means of subjugation?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure.]

SURGEON-GENERAL'S OFFICE,
Richmond, July 30, 1863.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: In view of the vast amount of sickness among our prisoners of war confined by the Federal authorities in Fort Delaware, as reported to me in person by a reliable soldier of our Army, a prisoner in the fortress and lately exchanged, I feel it my duty to make this communication in hope that some amelioration of their condition may result.

The large and enormous increase of mortality at this fortress is attributed to the present excessive numbers of our soldiers confined there, which are still being consigned to its already overcrowded and pestilential cells and to their being subjected to the use of its unwholesome food and bad water.

I respectfully submit the question, if some representation cannot be made to the United States Government concerning this seemingly unworthy attempt to subdue or destroy our soldiers by pestilence and disease.

Surely the want of room in which to confine prisoners securely, with at least some reasonable regard for the laws of health, cannot be pleaded by the U. S. authorities as a reason for this unmerciful and unjust conduct on their part.

In a scientific view of this subject alone the policy of the humane treatment of prisoners of war and a proper effort to prevent the generation and dissemination of disease is clearly apparent and is alike profitable to both combatants, and how much more does the propriety of this course become evident on appeal to the code of civilization and to the dictates of Christianity.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General, C. S. Army.

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*Only one found.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I will thank you to inform me whether it is the purpose of your authorities to deliver to us the non-commissioned officers and privates now in your custody.

Recent movements have been so mysterious that I am justified in asking thus distinctly what is your intention? I trust you will inform me in your next communication.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Neither this office nor any department of the Confederate Government has any advices or information as to the hanging of "two officers commanding negro troops."

If upon inquiry it turns out that such has been the case you will be duly informed. In the meantime permit me to suggest that no very implicit reliance should be placed upon newspaper statements. If they had been only half true no correspondence would be taking place between us at this time.

Respectfully,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 5, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I see no reason for the appearance of your flag-of-truce boats "daily or every other day in order that prisoners may receive their correspondence with some sort of regularity." It is of far more importance that the thousands of prisoners who are languishing in your prisons should be sent. The best and most satisfactory message from them will be communicated with their own lips.

If you intend to keep them in your horrible prisons it will be but a poor satisfaction that they have the privilege of telling their loved ones the story of their anguish.

The flag-of-truce boats are not so much intended for correspondence as the delivery of prisoners. The former is merely incidental. Every flag-of-truce boat that arrives at City Point without the number of prisoners it can accommodate, while you have thousands in your possession, is a purposed breach of cartel. Your flags of truce, of course, are sacred in the river, unless you make them a glaring abuse. The beginning of that abuse is to send them with letters instead of prisoners. I trust, therefore, that no boats with correspondence and newspapers and without prisoners will make their appearance at City Point. Our people have had enough of that already.

At the instance of your predecessor, we made an arrangement by which two copies of each of our five daily papers in Richmond were to be exchanged for an equal number of your papers. If you feel disposed

to continue that arrangement, it is entirely agreeable to me. The papers which he was in the habit of sending are satisfactory. If you prefer to make a change I have no objection. I continue to send our files to you, although you have not done so.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 6, 1863.

Brig. Gen. J. H. MARTINDALE,
Military Governor, Washington, D. C.:

GENERAL: I have just learned that General Marston is prepared to receive prisoners of war at the camp just established at Point Lookout and I have therefore to request that instead of sending 300 enlisted prisoners of war from the Old Capitol to Fort McHenry, as requested in my letter of yesterday, you will send 500 to Point Lookout.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CINCINNATI GAZETTE ROOMS,
Washington, August 6, 1863.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

SIR: On the evening of the 3d of May, 1863, three newspaper correspondents, Messrs. A. D. Richardson and Junius H. Browne of the New York Tribune, and Richard T. Colburn of the New York World, were taken prisoners at Vicksburg while attempting to run the blockade on a small tug-boat to join our forces below. They were taken to Richmond and thrown into Libby Prison. In a few days Mr. Colburn was released, while Messrs. Richardson and Browne were retained and have ever since been kept confined notwithstanding all efforts to secure their release or exchange. Late letters represent Mr. Browne (whose health has always been precarious) as being very ill and not likely to survive a much longer confinement. Both the gentlemen were formerly citizens of Cincinnati (and Mr. Browne still is) and a special interest is therefore felt in having every means possible exhausted to procure their release. Cannot some specific retaliatory measure be adopted under the President's recent proclamation to secure the exchange or release of these gentlemen, or if that be deemed inexpedient is there not some further step in their behalf the Government can take?

I have the honor, colonel, to remain, very respectfully, your obedient servant,

WHITELAW REID.

[First indorsement.]

Colonel HOFFMAN, *Commissary-General of Prisoners:*

DEAR COLONEL: I desire to join in Mr. Reid's request and earnestly hope you may be able to make an early exchange of his friends, Richardson and Browne.

Truly, yours,

W. DENMAN.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 10, 1863.

Respectfully referred to the Secretary of War. As the Confederate commissioner for exchange of prisoners has refused to entertain a proposition for the exchange of civilians except on terms which cannot be acceded to, there seems to be no way of securing the release of these gentlemen, but by resorting to retaliatory measures.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Third indorsement.]

I respectfully recommend that two rebel prisoners of war of the rank of captain be placed in solitary confinement and so kept until the two (Richardson and Browne) shall be released by the rebel authorities, notice of the fact being sent through Mr. Ould. If this does not effect the purpose, more severe measures may be resorted to.

E. A. HITCHCOCK,
Major-General.

[Fourth indorsement.]

WAR DEPARTMENT, *August 14, 1863.*

Respectfully referred to the General-in-Chief for remarks.
By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

[Fifth indorsement.]

AUGUST 15, 1863.

Approved.

H. W. HALLECK,
General-in-Chief.

DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, August 6, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I am in receipt of your letter of the 30th [31st] ultimo respecting the purchase of clothing by the prisoners. A copy has been furnished the sutler, and also put up on the store inside. Many boxes of clothing come here for prisoners from friends. They also write to friends for clothing and boots, &c. (and they are sent as presents), sometimes sending measures. Thus far such clothing has been delivered, except uniforms. Many of the prisoners now here have fine clothing which they brought with them. Shall I allow such clothing and boots to be delivered when sent by friends, and shall I allow prisoners to write to friends for clothing without giving description of what is allowed?

Very respectfully, your obedient servant,

WILLIAM S. PIERSON,
Major Hoffman's Battalion, Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 7, 1863.

Major-General HALLECK, *Commander-in-Chief, &c.:*

GENERAL: Your dispatch of the 25th July I have received. It gives me pleasure to say, in reply, that the parole of the prisoners captured

at Port Hudson was strictly in accordance with the cartel. The arrangement was made with General Gardner, one of the opposing generals, and the place of delivery of the prisoners, the manner of their departure, and the conditions, were all agreed to by him and attested with his signature, otherwise not one of the men would have been paroled. I have the honor to forward herewith copies of the papers, which I think will answer all the conditions of the cartel. The prisoners insisted upon having each a copy of his parole, that they might not be compelled to enter service again until they were exchanged.

It was almost a matter of necessity that we should parole them. Twenty-two nine-months' regiments were about leaving; there were 12,000 to 15,000 of the enemy on the Mississippi between Port Hudson and New Orleans, against whom it was necessary to move our whole force, and we had neither men to guard nor transports to move them to a place of safety. I am sure, however, that the proceedings were in accordance with the conditions of the cartel, and that the men can be punished if found in arms against the Government before being regularly exchanged.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., August 7, 1863.

Maj. Gen. E. A. HITCHCOCK, *Washington, D. C.:*

GENERAL: I have the honor to inform you that by to-day's boat I have received a most earnest and pressing request from Mr. Ould to grant him a meeting as early as possible. I have not yet sought an interview with him, for the reason that Colonel Ludlow has been quite reticent in regard to matters connected with his late business, nor did I wish to see Mr. Ould until I had some specific instructions from the War Department.

From what I can gather in Colonel Ludlow's letter books I suppose the following are points to be insisted upon:

First. The immediate exchange of Colonel Streight and his command.

Second. An agreement that Doctor Green shall be held by the United States Government as a hostage for Doctor Rucker; other surgeons to be exchanged.

Third. That all officers commanding negro troops, and negro troops themselves, shall be treated as other prisoners of war, and exchanged in the same way.

I feel constrained, however, for reasons stated above, to ask for full instructions as soon as possible. You may rest assured that I shall enter into no unauthorized agreement with Mr. Ould, nor shall I discuss with him any point on which I am not fully instructed. I have the honor, also, to forward you the inclosed from Mr. Ould, upon which I should like to have your views before seeing him.*

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

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* See August 5, beginning "on the 7th day of July," p. 179.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 7, 1863.

Maj. Gen. W. S. ROSECRANS,
Commanding, Murfreesborough, Tenn.:

GENERAL: I have the honor to inform you that the following instructions have been given by the Secretary of War in relation to the discharge of prisoners of war:

Prisoners of war who have been impressed into the rebel service and who wish to take the oath of allegiance and join our Army may be permitted to do so when the examining officer is satisfied of the applicant's good faith and that the facts of his case are as he represents them. Prisoners of war are not permitted to take the oath of allegiance and be discharged unless some sufficient reason is urged for granting this indulgence. It must be shown to the satisfaction of the officer who presents the case that the applicant was forced into the rebel service against his will and has taken advantage of the first opportunity to endeavor to free himself from it; or it may be granted as a favor to his family or friends, they being all loyal people and vouching for his sincerity in desiring to become a loyal citizen; or it may be granted on account of the youth of the applicant, it being shown that he was led away by vicious companions, his Union friends guaranteeing his future good conduct. Cases must be presented substantially after this manner, with all the papers, through this office, for the approval of the Secretary of War, on whose order alone the discharge can be granted. The oath of allegiance must be without qualification, and it must be understood that under no circumstances does the discharge carry with it an exemption from any of the duties of a citizen. When prisoners of war are discharged on taking the oath of allegiance an ordinary descriptive roll should be furnished to this office, giving in the column of remarks the history of each case. I will furnish blanks for this purpose as soon as they can be printed.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Maj. Gen. John A. Dix, commanding Department of the East, New York; Maj. Gen. N. P. Banks, commanding Department of the Gulf, New Orleans, La.; Maj. Gen. Q. A. Gillmore, commanding Department of the South, Hilton Head, S. C.; Maj. Gen. U. S. Grant, commanding Department of the Tennessee, Memphis, Tenn.; Maj. Gen. A. E. Burnside, commanding Department of the Ohio, Cincinnati, Ohio; Maj. Gen. J. G. Foster, commanding Department [of Virginia and North Carolina], Fort Monroe, Va.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 7, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Yours of the 4th instant is received, and I have the honor to reply that I have in preparation rolls and abstracts of prisoners of war paroled by both parties which will enable you to make a declaration covering the exchange of all Federal troops now on parole. I send you by this mail a letter, with abstracts, which I have been holding back for rolls, which are in preparation, of paroled Federal troops in the West not heretofore forwarded, the number, however, being on the abstracts. I will forward the rolls as soon as completed. It would be

difficult to make up the equivalents for the Confederates declared exchanged by Mr. Ould, and you will find it most convenient to make a declaration covering all our paroled troops up to some time in July.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

NORFOLK, VA., *August 7, 1863.*

To the PRESIDENT OF THE UNITED STATES:

SIR: I most respectfully request that so soon as the record in the case of Dr. D. M. Wright, charged with the murder of Lieutenant Sanborn, shall be laid before you, you will telegraph the Hon. L. H. Chandler and myself, fixing some day when we may appear before you and present the mass of testimony which has been taken to prove the insanity of Doctor Wright, and also to present such statements in regard to the manner of conducting his trial, and to the facilities afforded him for making anything like a fair defense, as the facts of the case will justify.

I am, with the highest respect,

LEMUEL J. BOWDEN.

INSPECTOR-GENERAL'S OFFICE,
Charleston, S. C., August 7, 1863.

Brig. Gen. THOMAS JORDAN, *Chief of Staff:*

GENERAL: I visited this morning the prisoners' hospital in Queen street, opened exclusively for the wounded Federals captured on Morris Island on the 11th and 18th of July last.

The hospital is in charge of Surg. J. L. Dawson, with the following attendants:

Assistant Surgeons Ancrum; J. R. Mood; W. W. Andrews, ward-master; James Spencer, f. m. c. steward; Mrs. C. D. Webb, matron; Dulin, Powell, Finigan, Maloy, nurses, two of whom are employed during the day and two at night; two washers; two cooks.

The number of wounded prisoners actually in hospital is as follows:

One commissioned officer, Captain Payne; two sergeants, one of whom is a negro; one corporal; thirty-five privates, twenty-five of whom are negroes and ten only white, the whole making an aggregate of thirty-nine wounded prisoners.

The hospital is apparently well managed, the rooms being kept as clean as can be expected under present circumstances. The beds and bedding are of a rough, but good material. The patients, white and black, appear to be well cared for and treated with due kindness and humanity.

Mosquito nets are needed. Assistant Surgeon Ancrum informs me that from forty-five to fifty would be required for the present.

A negro by the name of Charles Stanton, wounded when taken to hospital, but now well, is doing duty as nurse for the wounded negroes. I suggest that it would be proper to dispose of him as was done with the other negro prisoners captured on Morris Island; that is, transfer him at once to the State authorities.

I met with no visitors at the hospital. Assistant Surgeon Ancrum says that the prisoners are not interfered with as they formerly were,

the sentinel at the entrance of the hospital having strict orders to allow no one in without a pass.

Respectfully,

ALFD. ROMAN,
Lieutenant-Colonel and Inspector-General.

EDENTON, N. C., *August 7, 1863*

President DAVIS:

My uncle, Dr. David Minton Wright, one of the oldest and first physicians in Norfolk, is sentenced by the Federal authorities to be hanged, but is granted a new trial, which is to take place in Washington. As soon as I heard the report of the affair I endeavored to learn the particulars, but the blockade has been so rigid that no one could get in. The blockade has been raised for a few days and to-day two ladies from Edenton arrived, bringing the following intelligence: A few weeks since a negro regiment, commanded by a Yankee, marched through the streets of Norfolk. Doctor Wright was standing on the street, and as the regiment passed remarked: "My God, did ever I expect my country to come to this? Did ever I expect to see such a regiment on the streets of the city of Norfolk?" The officer hearing the remark stepped before Doctor Wright with his sword uplifted and attempted to slap him on the cheek with his sword. The doctor drew his pistol and shot him dead. The doctor is in close confinement with fetters; was tried last week, condemned, and sentenced to be hanged. Is allowed a new trial, which is to take place in Washington City. Doctor Wright has a son in the Fifty-seventh North Carolina Regiment, a worthy representative of his noble father. If anything can be done by our Government for Doctor Wright I know it only needs to be made known, and thus my letter.

Very respectfully,

MRS. STARK A. W. PEIGHTON.

[Indorsement.]

Deep sympathy is felt in this case, and both the natural indignation of Doctor Wright at the shameful spectacle and his prompt vindication of his honor against the indignity offered him are honored, but it unfortunately is not seen how the Department can aid his cause, and, indeed, it is believed interference on the part of this Government would probably prejudice it with our brutal foes.

J. A. SEDDON,
Secretary.

WAR DEPARTMENT, *Washington, August 8, 1863.*

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington, D. C.:

GENERAL: You will select three rebel prisoners of South Carolina, if there be any such in our possession, and if not, three others, and have them kept in close custody as hostages for three colored men, named Orin H. Brown, William H. Johnson, and William Wilson, captured on the gun-boat Isaac Smith and held in close confinement in the jail of Charleston, S. C. Make report to this Department of the persons who are thus selected as hostages and of the place of their confinement, and communicate the fact through the usual channels to the rebel authorities at Richmond.

Very respectfully, your obedient servant,

E. M. STANTON,
Secretary of War.

WASHINGTON, D. C., *August 8, 1863.*

Governor JOHN A. ANDREW, *Boston, Mass.:*

If you have a list of the colored prisoners held in Charleston, and any details in regard to their mode of treatment, showing whether or not they are kept in close confinement, please communicate the same to this Department, in order that such measures as are justified by the laws of war may be taken for their protection. No official report has been received by this Department upon the subject.

EDWIN M. STANTON,
Secretary of War.

BOSTON, *August 8, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

No list of prisoners in Charleston or details of treatment yet received by the Governor.

H. WARE,
Acting Military Secretary.

HEADQUARTERS C. S. CAVALRY, *August 8, 1863.*

Brig. Gen. GEORGE L. ANDREWS,
Commanding U. S. Forces, Port Hudson, La.:

SIR: Your communication of the 5th instant per flag of truce is at hand, and in reply I will state that if any negroes in arms have been hung by troops of this command it was done without my knowledge, or by some one, if at all, without authority from me. The report that negroes, after capture, were beaten is false.

Should you exercise cruel or unkind treatment toward any officer or soldier captured by your forces belonging to this command I shall most certainly use the severest means of retaliation upon all negroes or white men protected by the U. S. flag now in or those that may hereafter fall into my hands.

The officers and soldiers of your command captured by my forces at Jackson and other places will be placed in close confinement until your policy toward officers and soldiers captured from this command is made known to me.

I am, &c.,

JNO. L. LOGAN,
Colonel, Commanding Brigade.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 8, 1863.

Maj. Gen. R. C. SCHENCK,
Commanding Middle Department, Baltimore, Md.:

GENERAL: General Meredith, commissioner for exchange of prisoners, informs me that he is constantly receiving prisoners of war, line officers and chaplains, from Baltimore, whom he is obliged to send to Fort Norfolk, where there is no room for them. By direction of the Secretary of War I have to request that prisoners of war may not be forwarded to Fort Monroe except by orders through this office. Line officers should be sent to the depot on Johnson's Island, and if medical

officers and chaplains cannot be conveniently provided for at Fort McHenry they also should be sent to Johnson's Island. I learn accidentally that there are prisoners of war at Fort Mifflin. If such is the case I have the honor to request that the commanding officer may be directed to make the necessary rolls, returns, &c., to this office.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

GENERAL ORDERS, No. 126. } HDQRS. DEPARTMENT OF THE OHIO, *Cincinnati, Ohio, August 8, 1863.*

I. In consequence of the large number of applications in this department from prisoners of war to take the oath of allegiance, Brig. Gen. N. C. McLean, provost-marshal-general, will, by authority of the Secretary of War, examine such cases, and when satisfied of the honesty of their intentions will release the applicants on their taking the oath and furnishing sufficient bonds.

II. All communications for prisoners of war must pass through the office of Brig. Gen. N. C. McLean, provost-marshal-general of the department.

By command of Major-General Burnside:

LEWIS RICHMOND,

Assistant Adjutant-General.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT, *Charleston, August 8, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War, Richmond, Va.:*

SIR: On the 23d of July last I had the honor to submit to you a copy of a demand made upon General Beauregard for certain negro slaves and commissioned officers captured in arms on James and Morris Islands on the 11th and 18th of the same month. In the same letter also called your attention to the question of delivering to me the free negroes captured at the same time. In reply to my demand on General Beauregard he says in a letter of 23d of July last:

> I have to acquaint you that in view of the grave international questions which may be involved I have felt it my duty to submit your letter for the consideration and for the orders of the Government.

I have now the honor to acknowledge the receipt of your letter of the 1st instant, in which you inform me that you have "directed the delivery of the captured negroes to the authorities of South Carolina," but you say nothing as to the commissioned officers captured in company with the slaves in arms on Morris Island, referred to in my demand upon General Beauregard.

I now respectfully call your attention again to that matter and request that the commissioned officers, in accordance with the President's proclamation announced in General Orders, No. 111, of the 24th of December, 1862, fourth section, may also be delivered to the State authorities to be dealt with according to the laws of the State. I have been notified by the commanding general that he is ready to deliver the slaves and free negroes whenever I am ready to receive them.

Very respectfully, your obedient servant,

M. L. BONHAM.

[First indorsement.]

SECRETARY OF WAR:

The papers relative to this subject were submitted some time ago. None of the negroes captured were of South Carolina, nor were there any of them slaves at the commencement of the war.

J. A. C.

[Second indorsement.]

AUGUST 14, 1863.

The resolutions of Congress are explicit that negroes captured in arms shall be surrendered to the authorities of the States in which they are taken.

J. A. SEDDON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, August 9, 1863.

Hon. R. OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I return you a communication* purporting to have been written by one S. P. Moore, Surgeon-General, &c. No paper containing a word disrespectful to the Government under which I have the honor to serve will be forwarded. Yours of the 5th ultimo inclosing the above, coming under the same category, is also returned.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Indorsement.]

Notwithstanding the objectionable language in the complaint of the rebel surgeon I recommend that these papers be transmitted to the commanding officer at Fort Delaware for a report.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

MILITARY PRISON, *Alton, Ill., August 9, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I received your telegraphic dispatch of the 6th in relation to cost of building and lease of lot for smallpox hospital at this place in due time, and would have replied to it sooner only that it was not known till yesterday whether we could get a place within a reasonable distance of the prison to locate the establishment. I have not made an estimate of the cost of the building like that suggested by me for the reason that it has been decided by the Surgeon-General of the Army, who has sent instructions to that effect to the officers of his department at Saint Louis, that hospital tents shall be used for the purpose of a smallpox hospital at this place. Requisitions have been already sent to the quartermaster's department for these tents, and so soon as received they will be put up on the ground selected, and the hospital put into operation as soon after as possible. We have had great difficulty in getting a place within a reasonable distance of the prison and suitable in all respects to locate the hospital. Persons owning land and living in the vicinity of Alton are strongly opposed to having an establishment of the kind on or near their premises, hence

*See Ould to Meredith, August 5, with inclosure, p. 181.

our delay in a great measure in getting the hospital established. A position has, however, been selected in a wood near a good spring of water, about two miles from town, to which place I hope to have all the smallpox cases removed in the course of the present week. I have made contracts for medical attendance on the sick of the prison with two physicians of Alton, in compliance with Doctor Keeney's recommendation.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry, Commanding the Prison.

WASHINGTON, D. C., *August 10, 1863.*

ABRAHAM LINCOLN, *President of the United States:*

The undersigned citizens of the State of Maine, resident in this city, would respectfully represent to Your Excellency that General Neal Dow, of Portland, in said State, was seriously wounded in one of the assaults made on the batteries at Port Hudson and sent into hospital for treatment of his wounds. While there he was made a prisoner by the rebels and taken to Richmond, Va.

It is now reported that Jeff. Davis has given him into the hands of the Governor of Alabama, on a requisition from that functionary, to be put on his trial under the laws of that State on the charge, it is understood, of stealing negroes, the penalty for which is death. The result of such a trial in such a place and under existing circumstances no one need be told who knows the animus of that people. It will only prove a cloak to cover up a deliberate and malicious murder.

Your petitioners, therefore, most respectfully and earnestly ask that Your Excellency will order that Jeff. Davis and the Governor of Alabama both be notified that General Dow must be in all respects treated as a prisoner of war; that any other treatment of him will be retaliated on rebel officers in your hands in full measure, and that you forthwith make public proclamation of such purpose in this case.

As in duty bound will ever pray.

E. B. FRENCH.
[And thirty-one others.]

[First indorsement.]

AUGUST 12, 1863.

Submitted to the Secretary of War and General-in-Chief.

A. LINCOLN.

[Second indorsement.]

WAR DEPARTMENT, *August 17, 1863.*

Referred to General Hitchcock, commissioner of exchange.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 10, 1863.

Maj. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

MAJOR: In reply to your letter of the 6th instant I have to inform you that you will not permit the prisoners in your charge to make any

addition whatever to the stock of clothing they brought with them, except such articles as are absolutely necessary, and they must be of the description heretofore prescribed. One suit of outer clothing and a change of underclothing is all that is necessary. They are not permitted to receive clothing from their friends, nor are they permitted to send for it except so far as may be requisite to supply their absolute wants, and the boxes of clothing you speak of will be returned to the persons who sent them. That ordered must be countermanded. Under no circumstances can boots be allowed. This order will be carried out strictly.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

STATE OF SOUTH CAROLINA,
Headquarters, Charleston, August 10, 1863.

Hon. JAMES A. SEDDON, *Secretary of War, Richmond, Va.:*

SIR: My attention has just been called to the first of the joint resolutions of Congress, approved May 1, 1863, in which it is resolved: "That, in the opinion of Congress, the commissioned officers of the enemy ought not to be delivered to the authorities of the respective States as suggested in the said (President's) message." I therefore beg leave to withdraw so much of my communication of the 8th instant as demands of the Confederate Government the surrender of the commissioned officers to me, waiving, for the present, the question in reference to them.

But I deem it proper to call the attention of yourself and the President to the facts that the free negroes will be punishable by the laws of South Carolina with death, the Governor having the power under the constitution to commute the punishment, and under the sixth of the joint resolutions above referred to the same penalty is imposed upon the commissioned officers, and the same power of commuting said punishment is vested in the President. It may seem to yourselves advisable that the same degree of punishment should be meted to both classes if convicted and that there should be accord of action between the two authorities.

I will immediately order the trial of the slaves and any free negroes of the Southern States that may be among them, but I will delay action for the present with regard to the free negroes from the Northern States, hoping soon to hear from you on the subject.

I am, sir, very respectfully, your obedient servant,

M. L. BONHAM.

[First indorsement.]

AUGUST 14, 1863.

Respectfully submitted to the President for consideration and instructions to me.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

The views of the Secretary of War are invited.

J. D.

[Third indorsement.]

AUGUST 23, 1863.

Respectfully resubmitted to the President. Under present circumstances the free negroes should be either promptly executed or the determination arrived at and announced not to execute them during the war. I do not think they should be regarded as regular prisoners of war, but dealt with in some exceptional way to mark our stern reprobation of the barbarous employment of such inciters to insurrection with all its attendant horrors in our slave-holding States. This might perhaps be effectually done both to deter and to meet the requirements of our own people by holding them to hard labor during the war. I incline to advise the latter course.

JAS. A. SEDDON,
Secretary of War.

[Fourth indorsement.]

AUGUST 25, 1863.

The law of the Confederate States gives no discretion to the Executive so far as the captured negroes are concerned, but indicates, by expressly giving power to commute penalty in the case of white men serving with negroes, a purpose to make discriminations, perhaps to avoid the danger of sinking the spirit in the letter of the law.

The Governor appears to desire a suggestion which may serve to fix the Confederate and State governments in the same line of action, but as each case must depend upon its circumstances, and as the two governments will have different classes to deal with, it is not seen how a definite answer can be given unless, as you intimate, it be not to bring any case to trial. I do not know how far the power of the Governor extends in that regard.

JEFF'N DAVIS.

HEADQUARTERS DEPARTMENT OF THE TENNESSEE,
Vicksburg, August 11, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

Among the prisoners of war sent from this department there was a Maj. M. Semmes, registered or enrolled as a staff officer of Brig. Gen. P. O. Hébert, C. S. Army. Major Semmes was captured near Natchez and sent North during the latter part of July.

General Hébert has conditionally released one of the Government lessees of Louisiana plantations who had been captured by Confederate cavalry and asks the release of Major Semmes in exchange. He states that Major Semmes is a citizen and not an officer of the Confederate Army.

The conscript act is so rigidly enforced in the South that every one to be secure must enroll themselves in some capacity. Many whose interests and inclinations incline them to remain at home enroll themselves as volunteer aides on the staff of some general, and this I understand to be the case with Major Semmes.

I would respectfully ask that Major Semmes be released and returned to his home, in exchange for Judge L. Dent, who has been released by General Hébert and allowed to return to his plantation.

U. S. GRANT,
Major-General.

MILITARY PRISON, *Alton, Ill., August 11, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington:

COLONEL: I have the honor to report that in compliance with orders from the commanding general of the Department of the Missouri, received here yesterday, I have this day relinquished the command of this prison to Col. G. W. Kincaid, of the Thirty-seventh Iowa Volunteers, which regiment is on duty here as guard to the prison.

I have the honor to be, sir, with much respect, your most obedient servant,

T. HENDRICKSON,
Major Third Infantry.

OFFICE ASSISTANT COMMISSARY OF PRISONERS,
Camp Morton, August 11, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

SIR: At last I have succeeded in getting my report of prisoners for the month of July ready. When I reported for duty at this camp on the 8th of July I found 111 prisoners here, but no rolls or books, and everything in confusion in all matters pertaining to prisoners of war and the camp in general. Near the close of the month the prisoners of Morgan's command were sent in, without rolls, and scarcely had they arrived until many of their friends came with permits from Major-General Burnside to see their relatives, and many more came with clothing, &c., and, taking all together, we were waiting on them all day and compelled to get up our office work at night. I am happy to say that this state of things is now past, as no more permits to see prisoners are granted and Brigadier-General Willcox has made arrangements to have letters and packages examined by an officer at his headquarters in the city. I will forward rolls in a few days of those "joined" in this month up to the present time. Please send me blank monthly returns, as I have not one in this office.

Very respectfully, your obedient servant,

EDWARD J. ROBINSON,
Lieutenant and Assistant Commissary of Prisoners.

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
Knoxville, August 11, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: I had the honor recently to suggest, in a communication to you, the expediency of assembling near the North Carolina mountains a number of regiments of paroled prisoners. Amongst others I would suggest that the brigade of Actg. Brig. Gen. Alex. W. Reynolds be so employed. Whatever disposition may be ultimately made of them, these regiments can certainly be assembled more readily in East Tennessee or Western North Carolina than at the general rendezvous at Demopolis. Their presence in the vicinity of the mountain districts would overawe the bushwhackers, and they could be advantageously and, I think, properly employed in sustaining the civil authorities when they could not be ordered to field duty.

Respectfully, your obedient servant,

S. B. BUCKNER,
Major-General, Commanding.

[AUGUST 12, 1863.—For Halleck to Grant, in relation to the treatment of colored troops and of white officers of such troops, see Series I, Vol. XXIV, Part III, p. 589.]

[AUGUST 12, 1863.—For Schofield to Blunt and other district commanders in the Department of the Missouri, in relation to treatment of Confederate prisoners of war, see Series I, Vol. XXII, Part II, p. 447.]

QUARTERMASTER-GENERAL'S OFFICE,
Washington, August 12, 1863.

Lieut. Col. C. A. REYNOLDS,
Assistant Quartermaster, Rock Island, Ill.:

The barracks for prisoners at Rock Island should be put up in the roughest and cheapest manner—mere shanties, with no fine work about them, and the work should, if possible, be done by contract and in the shortest possible time. Have you made contracts? The fewer superintendents the better. Report by telegraph.

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 12, 1863.

Commodore W. D. PORTER, U. S. Navy,
Glen Cove, Long Island:

SIR: Your letter of the 4th instant, addressed to General Halleck, calling attention to the case of Mr. S. Kellogg, fourth master of the Essex, a prisoner at Richmond, has been referred to this office, and I have the honor to inform you that he is confined in Castle Thunder under charges of being a spy and a deserter. Assurances are given that he shall have the speediest possible trial, and if the charges are not sustained he will be delivered up. He has already been exchanged.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

MEDICAL DIRECTOR'S OFFICE,
Fort Monroe, August 12, 1863.

Brig. Gen. H. M. NAGLEE,
Commanding Seventh Army Corps:

SIR: I have the honor to report that I have carefully inspected the jail at Norfolk and the prison at Fort Norfolk in accordance with your order. In order to put the jail in a sanitary condition and keep it so it will be necessary to have it thoroughly cleaned and whitewashed and more frequently and thoroughly policed. Although the condition of the prison at Fort Norfolk has been improved of late, yet it is highly important that the policing be more effectually and frequently done. In both instances the necessary improvements were pointed out to the officer in charge. I would also respectfully call your attention to the necessity for more thorough policing of the cities of Norfolk and Portsmouth. The streets of these cities are far from being in a healthy condition, and in my opinion the prevalence of the diseases peculiar to

the locality can only be prevented by the cities before named being immediately put in a sanitary condition.

I am, very respectfully, your obedient servant,

R. H. GILBERT,
Surgeon and Medical Director.

HEADQUARTERS DISTRICT OF KENTUCKY,
Louisville, August 12, 1863.

Brigadier-General McLEAN, *Provost-Marshal-General:*

I have the honor to report to you that there are in the military prison here about 250 rebel prisoners claiming to be deserters, and to ask what disposition shall be made of them. Many of them have been personally examined by a commission of three officers at the military prison and their release recommended. Large numbers of deserters are sent from the Department of the Cumberland with instructions to be released in Louisville. It is believed by the general commanding the District of Kentucky that the release of such large numbers of this class in this State would be dangerous to its peace, as many bad men would inevitably be turned loose, it being in most cases impossible to procure any other evidence of the good character and honest intentions of the men than their own statement. If it is too dangerous to the interests of the service to release men of this class in the Department of the Cumberland, it would be equally so in the State of Kentucky, situated in so many respects similarly to that of Tennessee.

General Boyle directs me to suggest that some arrangement be made with General Rosecrans by which deserters may be examined at Nashville, where something may be learned of the character of the parties, and that the worthy may be released there and the unworthy be held till the close of the war. Among the prisoners claiming to be deserters are a number of Kentuckians, principally Morgan's men. The Kentuckians who went into the rebel service were principally men bankrupt in fortune and reputation before the rebellion broke out, and they eagerly embraced a cause promising to disrupt the established commercial and social status of the country, having in any change hope of possible advantage and fear of nothing worse than their then present position. With these went out many hot-headed, unreasoning young men, who have been fearfully corrupted and demoralized by association with the former. None of these can plead, as the citizens of States farther south, that force, moral or physical, pressed them into the rebel service. For this reason it is believed less consideration is due them than the others. A protest comes to General Boyle from all sections of the State against the turning loose of these men in it again under any circumstances. Petitions can be gotten up for almost any one, and in this way it is represented that some of the worst men who have cursed the State have recently gotten discharged from Camp Chase. Although I had recently addressed you a communication upon this subject, General Boyle instructed me, as I had received no reply, to write you again at length requesting you to give the subject your mature consideration and me full instructions.

Begging an early reply, I have the honor to be, very respectfully, your obedient servant,

STEPHEN E. JONES,
Captain and Aide-de-Camp.

[First indorsement.]

HEADQUARTERS PROVOST-MARSHAL-GENERAL,
Cincinnati, Ohio, August 29, 1863.

Respectfully returned with reference to General Orders, No. 286, War Department.*

By order of Brigadier-General McLean:

OSCAR MINOR,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DISTRICT OF KENTUCKY,
Louisville, August 31, 1863.

Respectfully forwarded to Colonel Hoffman, Commissary-General of Prisoners, with the request to be furnished with instructions for the disposition of the prisoners. If they are to be held until application can be made for their release to the Secretary of War it is requested that some depot of prisoners be indicated to which they may be forwarded, there not being sufficient room in the prison here, which was designed merely as one of transfer.

By order of Brigadier-General Boyle:

STEPHEN E. JONES,
Captain and Aide-de-Camp.

[AUGUST 12, 1863.—For Seddon to Smith, on the subject of retaliation, see Series I, Vol. XXII, Part II, p. 964.]

GAINESVILLE, *August 12, 1863.*

JEFFERSON DAVIS, *Richmond:*

Please inform me if it would be violating parole to arm men for purpose of drill? Discipline cannot be preserved without it. Troops are coming rapidly in.

J. C. PEMBERTON,
Lieutenant-General.

WASHINGTON, *August 13, 1863.*

General S. A. MEREDITH, *&c.:*

SIR: In answer to your communication of the 7th instant, covering the letter of Mr. Ould of the 5th instant, I have to inclose for your guidance a memorandum from Major-General Halleck, approved by the Secretary of War, containing the decision upon the letter referred to, upon which you can confer with Mr. Ould upon your next interview with him, presenting the proposition as a definite one without argument on your part.

Should the proposal be accepted with authority you will only need to make the declaration it contemplates. If it should not be accepted, you will please merely transmit any observations which Mr. Ould may desire to present for such action as may be determined upon at general headquarters.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

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* See August 17, p. 212.

[Inclosure.]

HEADQUARTERS OF THE ARMY,
Washington, August 12, 1863.

Memorandum for Major-General Hitchcock.

Robert Ould, agent for exchange of prisoners, in his letter of August 5 to Brig. Gen. S. A. Meredith, claims that the prisoners captured and paroled by the enemy's forces in Maryland and elsewhere prior to the 3d of July should either be regarded as legally paroled or returned to the enemy as prisoners of war. It will be observed that General Orders, No. 100, current series, simply announces general principles, which apply only in the absence of special agreements. So far from changing in any way the cartel, Lieutenant-Colonel Ludlow notified Mr. Ould at the time of giving him this order that our Government would regard no parole as binding which was not given in conformity with the provisions of the cartel. This was not only fully understood at the time, but it is alleged and believed has been carried out by the enemy whenever it suited his convenience. It is understood that rebel prisoners illegally paroled by our officers have been returned to the ranks without exchange. In regard to the prisoners paroled in Maryland and Pennsylvania by General Lee and his officers, it is stated by General Meade that General Lee requested him to appoint a place of exchange in accordance with the provisions of the cartel and that he (General Meade) declined the proposition. Nevertheless, in order to disembarrass himself from the care of these prisoners, General Lee proceeded to parole them. General Lee's officers in receiving these paroles, and our officers and men in giving them, knew, or ought to have known, that they were utterly null and void. And now, after having released our men on illegal paroles, in order to avoid guarding and feeding them when his army was hard pressed and retreating before General Meade, General Lee, or rather his agent, Mr. Ould, insists that the United States Government shall either respect these illegal paroles or deliver the persons so paroled to the Confederate authorities at City Point. This is certainly a most extraordinary demand and cannot be acceded to. In order, however, to avoid any difficulties on this point General Meredith will be authorized to agree with Mr. Ould that all paroles given by officers and men on either side between the 23d of May and the 3d of July not in conformity with the stipulations of the cartel be regarded as null and void, a declaration to that effect being published to the armies of both belligerents. The other three points mentioned in General Meredith's letter of the 7th instant seem to be fully understood by him. The Government of the United States will under no circumstances yield either of these points.

The foregoing memorandum has been examined and approved by the Secretary of War.

H. W. HALLECK,
General-in-Chief.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 13, 1863.

Lieut. Col. J. O. BROADHEAD,
Provost-Marshal, Saint Louis, Mo.:

COLONEL: The report of Medical Inspector John L. Le Conte, surgeon, U. S. Volunteers, to the Surgeon-General states that there is not a sufficient variety of vegetable food provided for the prisoners at Gratiot Street Prison Hospital at Saint Louis, and that repairs and

improvements are required to put the hospital in a satisfactory condition. Please examine into this matter and cause the fund to be used to purchase such articles as are recommended by the surgeon in charge, or as may be necessary, and use the fund also to put the hospital in a healthful and safe condition. Expensive repairs should not be paid out of the fund, but such as are suggested I think may well be, viz: New window sills of plank, bars inside of the windows, substitute gratings for wooden doors to increase the ventilation, stop the leakage of officers' privy into recreation room, &c. When a few prisoners are employed at hard labor for the benefit of the others, particularly mechanics, it would seem to be right that they should receive a small compensation out of the fund when it is sufficiently large to admit of it. They should not receive over 25 cents per day where the circumstances, in your judgment, justify it. If the amount is over a dollar or two it should be placed to the man's credit.

The foregoing may perhaps apply equally to the Myrtle Street prison. Please report.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CHICAGO, *August 13, 1863.*

Colonel HOFFMAN:

Camp Douglas in good condition to accommodate 8,000 prisoners. I have 125 guards.

J. S. PUTNAM,
Captain, Commanding Post.

JOHNSON'S ISLAND,
Near Sandusky, Ohio, U. S., August 13, 1863.

Hon. JAMES A. SEDDON, *Secretary of War, Richmond:*

DEAR SIR: There are about —— Confederate officers confined here as prisoners of war. About —— were captured at Gettysburg, and the balance belong mostly to our Western army. This is the general depot for all Confederate officers, except those who belong to General Morgan's command. There are but few men in the crowd who have a change of clothing, and as our money is worthless here there are but few who have the means to purchase what they so much need. I would respectfully suggest to you the propriety of sending to each officer here (if in your power to do so) one month's pay in U. S. money. It would enable each officer to purchase a supply of comfortable clothing for the cold season, which in this section is close upon us. It would also be the means of preventing a large amount of suffering, sickness, and death.

In thus addressing you I am not actuated by any personal motive. I have friends and relatives in the United States who cheerfully supply all my needs. I write in behalf of my brother officers who are in need and must suffer unless something is done to relieve them. I neither ask nor desire anything for myself. Our treatment here is kind and humane. Our rations are good both in quantity and quality, and all we need to make us comfortable is a supply of clothing.

Hoping that this matter will receive your attention,

I am, yours, respectfully,

J. R. BREARE,
Lieutenant, Fifteenth Alabama Regiment, Prisoner of War,
Johnson's Island, Sandusky, Ohio, U. S.

[First indorsement.]

SEPTEMBER 1, 1863.

QUARTERMASTER-GENERAL:

Could this request be complied with? Has any Federal money been lately captured or otherwise come under the control of the Department?

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE, *September 4, 1863.*

Respectfully returned to the Secretary of War.

Captain Morfit, assistant quartermaster, on duty with Brig. Gen. John H. Winder in this city, has in his possession $3,400 captured from Colonel Streight by General Morgan, and about $10,000 taken from officers and men of U. S. Army, held captive at this point. As to the propriety of using this money it is for the War Department to determine. I think it questionable whether it could be safely conveyed to our officers held as prisoners of war at Johnson's Island, and suggest a reference of the question to Colonel Ould for opinion.

A. R. LAWTON,
Quartermaster-General.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, August 14, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I inclose you letter to J. A. Seddon, Secretary of War.* On my return from the East, on seeing your first letter respecting clothing I directed all orders for clothing to be stopped. Probably but little will arrive which would conflict with your orders and require to be sent back. I have furnished copy of your letter to the officer charged with examination of packages. Unless these prisoners receive clothing from some quarter many will soon be without change of underclothing and many nearly naked. Sometimes a box of clothing comes that has been made up in a neighborhood and designed for many—generally cheap clothing and sometimes second-hand. Under your present order it would prevent its delivery without it is gray. By the orders I have issued the prisoners have become afraid to buy nice clothing even if they could, for fear it will be taken from them, and I think it would in the end save the Government furnishing clothing in extreme destitute cases if common clothing was delivered without regard to color. I call your attention to this view of the matter. I also have to report that boxes of clothing come here, including different description from what you allow, with a permit from General Burnside, viz, including boots.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Major Hoffman's Battalion, Commanding.

[AUGUST 14, 1863.—For Burnside's General Field Orders, No. 2, in relation to the treatment of Confederate prisoners of war, see Series I, Vol. XXX, Part III, p. 30.]

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*See next, *ante*, without indorsements.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, August 14, 1863.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.:

SIR: Mr. Daniel Gerhart, an old and wealthy citizen of Ohio, was taken prisoner at Winchester, Va., while attending a son dangerously ill, and is now confined at Richmond. Can nothing be done to expedite the release of this gentleman?

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 14, 1863.

His Excellency M. L. BONHAM,
Governor of South Carolina, Charleston, S. C.:

SIR: I have the honor to acknowledge your letter of the 8th instant renewing the request that the commissioned officers taken in command of negroes within your State be, in accordance with the President's proclamation announced in General Orders, No. 111, of December 24, 1862, delivered to the authorities of your State to be dealt with according to its laws. Subsequent to that proclamation and the issue of the general orders in pursuance thereof, the Congress of the Confederate States, by joint resolutions approved May 1, 1863, provided in effect that such officers "shall during the present war be tried before the military court attached to the army or corps by the troops of which they shall have been captured, and by such other military court as the President shall direct, and in such manner and under such regulations as the President shall prescribe, and after conviction the President may commute the punishment in such manner and on such terms as he may deem proper." These resolutions have been annulled and substituted by the orders to which you refer, and in consequence the officers demanded by you cannot be delivered, but must be tried in the manner prescribed by said resolutions. Instructions to observe the provision of the resolutions, together with a copy thereof, have been forwarded to the commanding general of the department embracing your State, and it is not doubted that under such instructions appropriate proceedings will be instituted and severe punishment inflicted upon the officers taken in the unworthy and criminal service of commanding negroes, thereby inciting to servile insurrection and all its attendant horrors within your State. Assurance of this course of proceeding by the commanding general is afforded by the promptness with which he has complied with the instructions to surrender, in pursuance of the same resolutions, the negroes captured in arms. Thus it is hoped full satisfaction on both points will be afforded to the outraged feelings of Your Excellency and the people of your State.

With high regard and respect, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 14, 1863.

General BRAXTON BRAGG,
Commanding Department of Tennessee:

GENERAL: A letter of D. M. Wisdom addressed to Colonel Roddey, of the 23d ultimo, was referred from your headquarters to this Depart-

ment and has been submitted to the President. The letter contained a narrative of the capture of Captain Wharton and a portion of his men by Colonel Hurst, of the U. S. Army, and the murder of the captured party on the road from Purdy to Pocahontas. The President directs that you will inquire into the accuracy of the statement of Mr. Wisdom, and that when you are satisfied on that subject you will adopt such retaliatory measures as are authorized by the usages of war, without awaiting specific instructions or making any reference to this Department. And this course will be adopted not only in this case, but whenever such instances of enormity and wickedness in violation of the laws of war shall come to your knowledge. The subject is placed under your control as a military commander, and you are expected to exercise a wise discretion in reference to it. The enemy have, in their Military Order, No. 100, declaring the laws and usages of war, allowed to their subordinate commanders every latitude for cruelty and injustice that they can desire, and we hear from every quarter that they are not slow in using and abusing the authority given. To repress this abuse a corresponding power must sometimes be exerted by our own officers.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

SPECIAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 193. } *Richmond, August 14, 1863.*

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XXII. H. A. M. Henderson is appointed assistant commissioner with the pay and allowances of a captain in the Adjutant-General's Department, to carry out the cartel for the exchange of prisoners, and will report to Col. Robert Ould, agent, &c., for duty at Demopolis, Ala.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT TRANS-MISSISSIPPI,
Shreveport, La., August 14, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond:

GENERAL: I have the honor to call the attention of the War Department to an announcement in the New Orleans Era of the 6th instant "that the soldiers belonging to the Twenty-third, Twenty-fourth, and Twenty-fifth Connecticut Volunteers, who were recently captured and paroled at Brashear City, have been ordered to report for duty, as their paroles are signed by an aide-de-camp, U. S. Army, whose authority is not recognized by our Government." This announcement derives peculiar significance from its being made in the official abolition paper of New Orleans. It is an act of bad faith on the part of our enemies, in keeping with their treacherous policy, and demands the prompt action of the Government. The prisoners who were paroled at Vicksburg, and who yielded to the desire to visit their homes in this department (as they uniformly state), were offered every facility by the enemy to pass through their lines and cross the Mississippi River. By this means hundreds of these paroled men, who, by the stipulation of the surrender of the garrison, were to be sent to a paroled camp east of the

Mississippi, have been scattered far and wide over this department. This was also an act of bad faith to which I respectfully call the attention of the War Department.

I have the honor to inclose you a copy of an order for all officers and soldiers paroled upon the surrender of the garrisons at Vicksburg and Port Hudson in the department, whether on furlough or otherwise, to report at the various camps of instruction by the 15th proximo. If by that time I ascertain from the military authorities of the enemy that the announcement above quoted is true, and no instructions are received from the Secretary of War, I shall release the paroled officers and soldiers of the garrisons of Vicksburg and Port Hudson from the obligations of their paroles and order them on duty.

I have the honor to be, general, your obedient servant,

E. KIRBY SMITH,
Lieutenant-General, Commanding.

[Inclosure.]

GENERAL ORDERS, No. 36. } HDQRS. DEPT. TRANS-MISSISSIPPI, *Shreveport, La., August 14, 1863.*

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II. All officers and soldiers belonging to the garrisons of Vicksburg and Port Hudson previous to the surrender of those places who may be within the Department of Trans-Mississippi, either by furlough or otherwise, will report by the 15th day of September next, or at the expiration of their furlough, at one of the following-named places, viz: Those from Arkansas, at the camp of instruction at Washington, Ark.; from Missouri, at Little Rock, Ark.; from Louisiana, at the camp of instruction near Shreveport, La.; from Texas, at the places directed by Major-General Magruder. The quartermaster's department will furnish necessary transportation to officers and men reporting in compliance with this order.

By command of Lieut. Gen. E. Kirby Smith:

S. S. ANDERSON,
Assistant Adjutant-General.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., August 14, 1863.

Maj. Gen. R. TAYLOR, *Alexandria, La.:*

GENERAL: I am instructed by the lieutenant-general commanding to inclose* you the accompanying copy of a letter addressed this day to General Cooper. He also directs me to say that he wishes you to open a correspondence with the commanding officer of the Yankee forces near you for the purpose of ascertaining definitely whether the announcement in the Era of the 6th instant in regard to the release of Brashear City prisoners is true, and if said prisoners have been released to learn as precisely as possible the reasons for this action of the Yankee authorities.

I have the honor to be, general, your obedient servant,

GEO. WILLIAMSON,
Assistant Adjutant-General.

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* See next, *ante*.

LIBBY PRISON CELL,
Richmond, Va., August 14, 1863.

General J. H. WINDER,
Provost-Marshal-General, Richmond, Va.:

SIR: I have the honor to ask your indulgence and pardon, sir, for trespassing upon your patience in giving me your attention for a moment to the reading of the following:

General, I learn, sir, that I am placed in close and solitary confinement to await my trial for murder and robbery, with which I have been charged. The facts, sir, in the case of the former are as follows:

In the month of January, 1862, the Second Regiment Virginia Volunteer Cavalry, U. S. Army, commanded by Col. W. M. Bolles, was ordered to re-enforce General Garfield, then in Northeastern Kentucky, where said regiment arrived on the 7th of January.

On reaching General Garfield's forces said regiment was ordered to the front. Some two miles and a half above Paintsville Colonel Bolles discovered the enemy and ordered the writer to pursue and charge upon him, which was done, putting the enemy to flight. During the chase one of the enemy was discovered attempting to make his escape on foot, was halted several times and refused to do so, was fired upon and killed, having a musket in his hand at the time. Some time afterward it was reported that he was shot after having surrendered. I immediately demanded an investigation, whereupon General Rosecrans, then in command of that department, ordered an investigation and in case any evidence could be had to sustain a charge to have charges preferred at once. An examination was had; the evidence was not sufficient to sustain a charge, but, to the contrary, evidence was had proving that the man had not surrendered and that he was killed with musket in hand attempting to make his escape, and would not stop after being commanded to halt several times, whereupon the case was dismissed and the writer exonerated from all blame in the case.

Sir, so far as the latter charge is concerned, I am totally in the dark, unless the taking of stock, *i. e.*, horses and cattle, by orders from the commanding officers is so construed. If so, I am guilty of robbery; if not, I am innocent of the charge, for I do assure you, general, that I have never done anything of the kind myself or allowed the men under my immediate command to do anything of the kind. Having operated against the Eighth Regiment Virginia Volunteer Cavalry, C. S. Army, commanded by Col. James M. Corns, my almost entire time in the service, I respectfully refer to him and to Captains Henry C. Everett and C. Irvine Lewis, of said regiment, for my character as an officer and gentleman; also to Capt. William A. Lackey, of the Fourteenth Virginia Cavalry, C. S. Army, whom, together with some 116 of his men, I captured near Lewisburg last November; also Dr. S. C. Gleaves, of Wytheville, Va.

General, the object in giving you these facts is, sir, to respectfully ask your clemency, sir, to the extent that I may be permitted to be taken from my cell and put with my fellow-officers until the time of my trial. The raid on Wytheville was headed by Col. J. T. Toland, acting brigadier-general, who was killed there, and not by me.

I am, general, your obedient servant,

W. H. POWELL,
Colonel Second Virginia Volunteer Cavalry, U. S. Army.

AUGUSTA, *August 15, 1863.*

President LINCOLN, *Washington:*

DEAR SIR: We are greatly alarmed for the safety of General Dow, whom the rebels have taken to Mobile on a charge of stealing negroes. You have been advised of the facts in his case. Is it not possible in some way, by proclamation or otherwise, to admonish them of the dangers they will encounter by dealing thus with an officer of the U. S. Army?

Very respectfully, your obedient servant,

LOT M. MORRILL.

WAR DEPARTMENT, *Washington, D. C., August 15, 1863.*

Major-General BURNSIDE, *Cincinnati, Ohio:*

SIR: The Secretary of War has in preparation an order on the subject of the discharge of prisoners, and he desires that no discharges shall be made under your orders (No. 126) of the 8th instant.* You will soon receive a War Department order on the subject.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

HEADQUARTERS DISTRICT OF SAINT MARY'S,
Point Lookout, August 15, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: On or about the 10th instant I wrote you that I should be ready to receive 1,000 prisoners as soon as you could send them. None have since arrived. All the arrangements of mess-houses, &c., have not been completed, but nevertheless prisoners can be taken care of here with perfect ease and safety. If the Government chooses to send them here I am ready to receive them.

I am, very respectfully, your obedient servant,

GILMAN MARSTON,
Brigadier-General.

CHICAGO, *August 15, 1863.*

Col. WILLIAM HOFFMAN:

I have just learned that you have been told that Camp Douglas would accommodate 8,000. This is an error. Six thousand, including guard, is the utmost limit, and then they will be crowded. Please have a commandant sent; also a good officer.

J. A. POTTER,
Assistant Quartermaster.

GAINESVILLE, *August 15, 1863.*

Major-General STEVENSON, *Demopolis, Ala.:*

The following just received from the President:

RICHMOND, *August 14, 1863.*

General J. C. PEMBERTON, *Gainesville, Miss.:*

To use arms for the purposes of instruction and to maintain discipline in camp of paroled men does not come within any restriction of cartel. The terms of your capitulation must be referred to to find whether there be other objection.

JEFFERSON DAVIS.

I see nothing in the terms of capitulation to prohibit this.

J. C. PEMBERTON,
Lieutenant-General.

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* See p. 190.

SPECIAL ORDERS, No. 194. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 15, 1863.*

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XX. The officers and men of Maj. Gen. C. L. Stevenson's division, paroled at Vicksburg, will on the expiration of the furloughs granted to them be reassembled at Chattanooga, Tenn., for assignment to the army of General Bragg.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Winchester, August 16, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your communication of the 7th instant in regard to prisoners of war who desire to take the oath of allegiance and become once more law-abiding citizens. I had previous to the receipt of your letter adopted the policy of paroling such men and permitting them to return to their homes, there to remain as long as they conduct themselves in accordance with the terms of their oaths, obliging them in all cases to give satisfactory security by bond that they will strictly observe their paroles. After the retreat of Bragg's army from this State large numbers of deserters from Kentucky and Tennessee rebel troops were found in the country and concealed in the woods and hills, who were afraid to give themselves up to our forces for fear of being sent for exchange, and who preferred to live as outlaws rather than risk the chance of being returned to the rebel army. The imminent danger that these men would of necessity become guerrillas and give infinite trouble not only to us, but to the inhabitants of the country, induced me to issue the orders, copies of which are herewith inclosed.* I transmit also herewith a copy of the parole† which is administered in these cases, and desire to be informed if my course in this matter meets the approval of the Secretary of War. I would propose that I be permitted to continue to allow these men to return to their homes upon giving their paroles with satisfactory security, and then, if necessary, to forward their cases to the Secretary of War for his final action. You will observe that in paroling them I reserve the right to exchange them at some future time if their conduct is such as to make it necessary. The necessity for immediate action in these cases makes this course seem to me the best that can be pursued. When their cases are decided upon by the Secretary of War they can be finally discharged or sent for exchange, as he may deem proper.

I am, sir, very respectfully, your obedient servant,

W. S. ROSECRANS,
Major-General, Commanding.

[Indorsement.]

WAR DEPARTMENT, *August 29, 1863.*

I respectfully recommend that deserters from the rebel army be disposed of primarily by the department commanders in whose departments they may be found. The course of General Rosecrans seems

* See General Orders, No. 175, Series I, Vol. XXIII, Part II, p. 184. † Omitted.

judicious, except that it ought not to be extended to prisoners of war after being reported to the Commissary-General of Prisoners.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

Submitted to the Secretary of War and approved August 29, 1863.

WAR DEPARTMENT, *Washington, August 16, 1863.*

ROBERT OULD:

In relation to Doctor Rucker and the exchange of medical officers, there is reason to suppose that Doctor Rucker has from the first been confined on various pretenses, but in reality because of his strong attachment to the Union. He has been twice tried and acquitted by Virginia courts, and is now held upon some third accusation, the nature of which is unknown to the undersigned.

E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 16, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I respectfully call your attention to the correspondence between Lieutenant-Colonel Ludlow and myself in relation to Doctor Rucker and the detention of surgeons, and especially to my communication of the 23d June last. Lieutenant-Colonel Ludlow in his reply bearing date 12th July, 1863, says:

> As understood by me Doctor Rucker's alleged offenses were committed in West Virginia, within the territory militarily occupied at the time by the troops of the United States. If so, by the laws and usages of war your authorities have no jurisdiction in his case.

Paragraph 59 of your General Orders, No. 100, does not make the distinction of military occupation suggested by Lieutenant-Colonel Ludlow. It says:

> A prisoner of war remains answerable for his crimes committed against his captors, army, or people, committed before the prisoner was captured and for which he has not been punished by his own authorities.

Any construction which would not include such crimes as are committed within the territory militarily occupied by the army to which the offender belongs would leave the provision almost without any meaning. In Doctor Rucker's case, however, the distinction is without avail. I have delayed thus long in answering Lieutenant-Colonel Ludlow's communication of the 12th ultimo in order that I might obtain accurate information as to the facts in the case. He is indicted for murder committed on the 23d of July, 1861, upon a citizen of Virginia in Covington, Alleghany County, Va. At that time no Federal force was there or ever had been. The U. S. forces did not invade that county or region of country until May, 1862. He is also indicted for stealing a horse in January, 1862. He is, moreover, charged with other offenses committed while the Federal forces were in the country. Whatever, therefore, may be the construction placed upon the general orders, so far as military occupation is concerned, Doctor Rucker's case is certainly embraced within the provisions of paragraph 59. I am

also reliably informed that at the time of at least some of the offenses charged against him Doctor Rucker had no connection with your Army. It will hardly be contended, I suppose, that immunity for crimes already committed can be purchased by joining the forces of an invading army.

The correspondence between Lieutenant-Colonel Ludlow and myself seems to indicate that the only hindrance to the immediate and unconditional release of all surgeons is to be found in the detention of Doctor Rucker, and further, if such detention could find its justification in your general orders, even that hindrance would be removed. I therefore bring to your attention the foregoing facts, drawn from the indictments against Doctor Rucker, by which it very clearly appears that he is rightfully held, and therefore Doctor Green wrongfully detained in retaliation. I accordingly renew to you the proposition heretofore made by me that all surgeons now held on both sides, with the exception of Doctor Rucker, be released without delay. I have no objection to extend the proposition to nurses and members of sanitary commissions. I would, however, much prefer that it should embrace all noncombatants. I will be much obliged to you if you give an early specific reply to the propositions herein contained.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[AUGUST 17, 1863.—For Banks to Halleck, in relation to parole of Confederate prisoners surrendered at Port Hudson, see Series I, Vol. XXVI, Part I, p. 55.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 17, 1863.

Maj. Gen. R. TAYLOR,
Commanding Confederate Forces South of Red River:

GENERAL: I have the honor to inform you that I have directed the immediate return to duty of all prisoners paroled by you during your recent occupation of the La Fourche country. My reasons for so doing are that the paroles were in violation of the cartel of exchange and were not authorized by agreement between the commanders of the opposing armies. I am likewise prohibited from recognizing their validity by orders from the General-in-Chief of the Army of the United States, which are founded on and agree with the orders issued from Richmond.

Very respectfully, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

JUDGE-ADVOCATE-GENERAL'S OFFICE, *August 17, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: The letter of Maj. Gen. J. M. Schofield, addressed to yourself under date of 17th of July* and referred to this office, has been carefully considered. The object of the communication is to ask from the

* Omitted, a summary of its contents being given in this communication.

Secretary of War instructions as to the line of conduct to be pursued by the military authorities in Missouri in reference to the population of African descent found in that State, which, being loyal, was not embraced in the President's proclamation of the 1st of January, 1863. The points to which the inquiries and suggestions of General Schofield are mainly directed may be resolved into three, viz: The status, first, of the persons held to service or labor in Missouri, as growing out of the fourth section of the "act to confiscate property used for insurrectionary purposes," approved 6th of August, 1861; second, of those enumerated in the ninth section of the "act to suppress insurrection, to punish treason and rebellion," &c., approved 17th of July, 1862; and, thirdly, those referred to in the tenth section of the last-mentioned act, together with the rights and duties of the military authorities in regard to persons belonging to each of these classes. The emancipation of the persons held to service or labor named in the first class, viz, such as have been required or permitted by those to whom such labor or service is due to take up arms against the United States or to work or be employed in or upon any fort, navy-yard, dock, armory, ship, intrenchment, or in any naval or military service whatsoever against the Government of the United States, results, ipso facto, from the performance of the acts mentioned, and, should thereafter any attempt be made to enforce such claim to labor or service against the person thus manumitted, it is declared by the act of Congress that "it shall be a full and sufficient answer to such claim that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States." The statute evidently contemplates that this defense or assertion of a right to freedom shall be made before the courts, and I am not aware of any ground on which the military authorities in the State of Missouri, where the courts are open, can intervene in the settlement of any questions arising under this act. Should the party claimed to be held to service be seized for the purpose of enforcing the claim he would only have to sue out a writ of habeas corpus and make proof of the facts to secure his discharge. The persons described in the second class stand upon an entirely different footing. The language of the act in reference to them is as follows:

> And let it be further enacted, that all slaves of persons who shall hereafter be engaged in rebellion against the Government of the United States or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army, and all slaves captured from such persons or deserted by them and coming under the control of the Government of the United States, and all slaves of such persons found or being within places occupied by rebel forces and afterward occupied by the forces of the United States, shall be deemed captives of war and shall be forever free of their servitude and not again held as slaves.

The slaves thus enumerated, being made and declared to be captives of war as well as freedmen, are necessarily under the military control of the Government of the United States. This protection should, in good faith, be fully extended to them against all efforts made to re-enslave them or to deprive them of the freedom which this act bestows upon them. That their condition and the rights belonging to it may be known and respected, it is recommended that, through the departmental or other military commanders, certificates shall, upon a proper ascertainment of the facts, be issued to these persons, defining distinctly their status and declaring them to be, as captives of war, under the military protection of the Government. These certificates should state, briefly but distinctly, the facts on which the party's right to freedom rests, in order that it may appear the legal conclusion reached is

warranted by the law as cited. The tenth section relates to fugitive slaves of loyal masters, and they constitute the third class. The section is in these words:

> And be it further enacted, that no slaves escaping into any State, Territory, or the District of Columbia from any other State shall be delivered up, or in any way impeded or hindered of his liberty, except for crime or some offense against the laws, unless the person saving said fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner and has not borne arms against the United States in the present rebellion nor in any way given aid and comfort thereto, and no person engaged in the military or naval service of the United States shall, under any pretense whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person or surrender up any such person to the claimant, on pain of being dismissed from the service.

The duty of the military authorities in reference to this class of fugitives from labor is that of absolute non-intervention. This follows alike from the prohibition to surrender the fugitives and from the prohibition to decide on the validity of the claim made to his service. As the military cannot primarily exert any power in behalf of the claimant, neither can it be done in a secondary or subordinate capacity as a posse comitatus to the civil authorities or otherwise. If therefore a loyal claimant or his agent, acting in person or through a civil officer, shall attempt to arrest one of these fugitives from labor in the presence of the military authorities he must do so on his own responsibility and cannot claim from such authorities, nor can they extend to him any support or protection whatever. It is believed that these suggestions meet all the points presented by the letter of Major-General Schofield.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

WASHINGTON, D. C., *August 17, 1863.*

His Excellency ABRAHAM LINCOLN,
President of the United States:

HONORED SIR: On the 12th instant I was at the Executive Mansion with a petition to Your Excellency from citizens of Maine residing in this city in behalf of General Neal Dow, of Portland, in our State. On account of the great delay I found inevitable in reaching your presence to discharge my duty and the pressing nature of my official duties I sent the paper to Your Excellency by your messenger instead of presenting it in person. My official engagements still forbid the expenditure of the time I find requisite to secure a personal interview. I write this therefore to say in a few words what I am charged with saying to you in this case by my fellow-citizens.

We are fully aware that your recent general order covers the case of General Dow and with reference to ordinary men it would be deemed sufficient, but General Dow, from his position in the Army of the United States, among his fellow-citizens at home, and his relations to the civilization of this age, is an exception to ordinary men, and therefore his case, we deem, should be made an exceptional one and demands the special attention and intervention of the Government. General Dow is one of the leaders in the temperance reform and one of the champions of human rights, whose fearless activity and zeal has provoked the special hatred of traitors North and the rebels South, whose strongholds and centers of influence are in the grogshops and purlieus of vice. He is, in consequence, the especial object of the hatred and malice of these

vampires in all parts of the country and particularly in the South. Therefore we think he deserves and ought to receive the special efforts of his friends and our Government for his protection in his present imminent peril. General Dow is one of the representative men, one of the prophets of this age, and as such is of special worth to his country and the human race. He is known and honored as such, especially among the friends of temperance and virtue, in all parts of the civilized world.

Such being his special and exceptional character, it seems to us that his case should be made a special and exceptional one by the Government. It is for these, among other reasons, that we ask your special action for his protection from the outrages and wrongs with which he is threatened by his and our country's enemies. We trust our prayer will not be in vain nor your action without effect. An early decision is most respectfully and earnestly solicited. Please communicate the result of your deliberations to,

Your obedient servant,

DARIUS FORBES.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 286. } *Washington, August 17, 1863.*

Irregularities having occurred in the discharge of prisoners of war, through the exercise of discretionary power by some of the department and other commanders, it has become necessary to order:

1. No prisoner of war, after having been reported to the Commissary-General of Prisoners, will be discharged except upon an order from the commissioner for the exchange of prisoners, who will act under instructions from this Department.

2. All applications and recommendations for discharge will be forwarded to the Commissary-General of Prisoners, who will indorse on each application such facts bearing on the case as may be matter of record in his office, when the application will be submitted for the decision of the Department through the commissioner for the exchange of prisoners.

3. In general, the mere desire to be discharged upon taking the oath of allegiance will furnish no sufficient ground for such discharge; but cases where it can be shown that the prisoner was impressed into the rebel service, or which can plead in palliation extreme youth, followed by open and declared repentance, with other reasons, whatever they may be, may be specially reported.

4. In all cases a descriptive list of those discharged will be furnished by the officer making the discharge for file in the office of the Commissary-General of Prisoners.

5. The oath of allegiance when administered must be taken without qualification, and can in no case carry with it an exemption from any of the duties of a citizen.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS PAROLED AND EXCHANGED PRISONERS,
Demopolis, Ala., August 17, 1863.

Col. B. S. EWELL,
Assistant Adjutant-General, Morton, Miss.:

COLONEL: I have the honor to inclose herewith copy of a dispatch received from Colonel Ould, agent of exchange, Richmond, Va., which

states that all men delivered at City Point, Va., to July 20, 1863, are exchanged. It is very important that this should be made public and the men be notified where to report; and I would beg to call your attention to my letter of the 14th setting forth the reasons for removing our camp to Cahaba, Ala., and in case that you decide on its being more beneficial to remove it I trust you will give me orders to do so as soon as practicable. If this change of location is decided upon please notify me by dispatch, as very nearly 3,000 men have started from Camp Lee, Va., within the last three weeks, most of whom will be exchanged according to this telegram from Colonel Ould, and as they are scattered through the country I would like to see every exertion to make them report for duty.

I am, colonel, very respectfully, your obedient servant,

HENRY C. DAVIS,
Major.

[Inclosure.]

RICHMOND, VA., *August 15, 1863.*

Maj. HENRY C. DAVIS, *Demopolis, Ala.:*

All Confederate officers and men delivered at City Point, Va., prior to July 20 are duly exchanged.

R. OULD,
Agent.

[AUGUST 18, 1863.—For Beauregard to Gillmore, in relation to the exchange of prisoners of war, &c., see Series I, Vol. XXVIII, Part II, p. 45.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 18, 1863.

Maj. Gen. R. TAYLOR,
Commanding Confederate Forces South of Red River, La.:

GENERAL: It has been reported to me, and in such a manner that I am not at liberty to discredit the truth of the statement, that Capt. Albert Allen, Sixth Regiment, Corps d'Afrique, and Lieutenant Page, Ninth Regiment, Corps d'Afrique, formerly known as the First and Fourth Regiments, U. S. Volunteers, are held prisoners and "in close confinement and in irons" at Shreveport, La. I respectfully request that you will inform me whether this statement is in accordance with the facts, and if so upon what ground this extraordinary procedure is founded. Should this report be confirmed it will become my duty to treat in the same manner the Confederate prisoners of war now held in this department.

I have the honor to be, with respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

WASHINGTON, *August 18, 1863.*

General S. A. MEREDITH,
Commissioner for Exchange of Prisoners:

SIR: You will take the first occasion of an interview with Mr. Ould, or other agent in his stead, to inquire into the case of General Neal Dow, who was taken prisoner near Port Hudson, and, according to information received here, not yet authenticated, and therefore it is

hoped not well founded, has been delivered to the Governor of Alabama for trial under the State laws for some alleged offense against said laws.

You will notify the agent for the information of his Government that General Neal Dow is an officer of the U. S. Army, acting prior to his capture under the orders of his Government, and any treatment of him differing in any respect from that due to a prisoner of war will be regarded as a violation of the laws of war and will be dealt with accordingly.

Submitted to and approved by the Secretary of War and the General-in-Chief.

Very respectfully, your obedient servant,

E. A. HITCHCOCK.

WASHINGTON, *August 18, 1863.*

General MEREDITH:

Exchange grade for grade, or condition for like condition; that is, captains for captains, surgeons for surgeons, &c.

E. A. HITCHCOCK,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 18, 1863.

Brig. Gen. G. MARSTON, *Commanding Point Lookout, Md.:*

GENERAL: Your letter of the 10th instant was duly received and that of the 15th is now before me. On the 12th instant I requested General Schenck to order some 800 prisoners from Baltimore to Point Lookout, and I have supposed they had arrived there long since. I will repeat the order to-day, and I will also order some 400 or 500 from this city. Please keep me advised of your readiness to receive prisoners so that I may know when to send them.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 18, 1863.

Maj. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

MAJOR: Your letter of the 14th instant, relating to clothing for prisoners, is received, and in reply to that part of it in which you anticipate the coming destitution of some of them I would refer you to paragraph No. 4 of the regulations,* which provide for obtaining and issuing as much clothing as may be necessary. In my instructions relative to the color of the clothing which may be furnished to them by their friends, my design was to prevent them being so dressed as to facilitate their escape in a crowd, and having this in view I leave it to your discretion to decide how far you may deviate from the prescribed color. It is not a matter of so much consequence with pants as with coats. The quality of the clothing, as I have prescribed it, will not be deviated from. Contributions of the clothing, if of the proper character, may be retained for distribution till needed. Allow no clothing of a different

* See Vol. IV, of this series, p. 152.

character to what I prescribe to be delivered on the permit of General Burnside without first reporting to me. It is expected that the regulations in regard to visitors will be closely adhered to. You will regard no permit not granted by the authority of the War Department or this office, except granted by General Burnside.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *August 19, 1863.*

General MORRIS, *Commanding at Baltimore:*

The order releasing Mr. Glenn was designed to be absolute.

EDWIN M. STANTON,

Secretary of War.

FORT DELAWARE, DEL., *August 19, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: In compliance with orders of the 17th instant I have the honor to inclose a report from Asst. Surg. H. R. Silliman, U. S. Army; also one from the surgeons of the rebel army attending voluntarily to their sick at this post.*

From my own observation I consider the prisoners of war at this post in as good condition as it would be possible to keep them at any other place.

The mortality is less at the present time, considering the number of prisoners (about 10,000), than in any city of the same population, taking the fact into consideration that the months of July and August are most fatal to exhausted men, as was the case especially with those from Vicksburg.

In regard to water, I would state that the steam water-tank employed here is supplying a sufficient quantity of good, fresh water from a creek in the neighborhood noted for its pure water. This water is pumped by a steam pump into tanks in close proximity to the barracks, and is used for cooking and drinking by the soldiers of the garrison as well as the prisoners.

The rations are the same as those furnished our own men. Fresh beef is issued four times per week, and fresh vegetables are given them when they can be obtained.

I have the honor to be, very respectfully, your obedient servant,

A. SCHOEPF,

Brigadier-General, Commanding Post.

[Inclosure.]

FORT DELAWARE, *August 19, 1863.*

Having been prisoners at this fort nearly one month, and being in attendance upon the sick Confederate prisoners every morning, thereby enabled to judge upon their situation, we, the undersigned, surgeons of the C. S. Army, would respectfully ask to make the following statement in regard to the health of the prison of this place:

On careful examination of official lists of deaths we find from July 1, 1863, to August 19, 1863, 180 deaths, making an average of less

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*Only one inclosure found.

than four per day, which, taking into consideration the large amount of prisoners confined here, there being nearly 10,000, is exceedingly small.

In justice to the officer commanding this post we would beg leave to state that everything in his power to add to the comfort of these prisoners is being done. The sick are cared for as well as possible and new hospitals [are being] built for the accommodation of more. They are not compelled to drink water from the ditches, as reported; but water sufficient to supply the island is brought here by the boat twice daily from a distance, besides the supply of rain water constantly on hand.

The barracks are being kept as comfortable as can be expected under the circumstances.

R. R. GOODE, *Surgeon and Medical Director.*
E. HOLT JONES, *Medical Inspector.*
THOS. W. FOSTER, *Surgeon.*
W. W. CLEAVES, *Surgeon.*

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, August 19, 1863.

His Excellency the PRESIDENT:

I have the honor to transmit herewith the record* in the case of Dr. D. M. Wright, tried in Norfolk in July last for the murder of Second Lieut. A. L. Sanborn, First U. S. Colored Volunteers.

Doctor Wright was tried by a military commission convened by Major-General Dix, and of which Brig. Gen. R. S. Foster was president, and was convicted and sentenced to be hung at such time and place as might be appointed by the major-general commanding the department or by the President. The proceedings of the commission were regular and the findings and sentence were in conformity with the facts in the case as proved on the trial. The testimony is brief and direct, and in substance as follows:

The deceased was marching his company of colored troops along the sidewalk of the main street of Norfolk. As they approached, the accused, who was standing in front of a store, is stated by one of the witnesses to have addressed a remark to the deceased in which the word "cowardly" was audible. Other witnesses heard this word, but could not swear that it was spoken by the accused. The deceased is testified to have thereupon halted his company and sent off two of his men in the direction of the provost-marshal for a provost guard. The accused and the deceased then exchanged a few words, which were inaudible to any witness, whereupon the former produced a pistol and fired one shot at the deceased, closely following it with a second. The two then engaged in a brief struggle, apparently for the possession of the pistol, and were borne into the store, where the deceased presently fell and died from the effect of his wounds. No provocation for the act of the accused is shown in the testimony, unless it be found in the supposition that the deceased designed and was about to effect the arrest of the accused, or merely in the fact of the appearance of the colored U. S. troops in the public streets of Norfolk. Upon the trial the accused was well provided with counsel, but no defense was in terms set up to the crime as proved. That a defense was intended to be

* Not found.

made, or was believed to exist, may possibly be inferred from the fact that the counsel attempted to introduce certain evidence which may have had a bearing upon the sanity of the accused at the time of the commission of the offense. Upon the examination of the provost-marshal of Norfolk it was asked by the counsel of the accused, as follows: "Please describe the conduct and manner of the accused on the occasion of his examination before you in the evening of the day of the murder." This question was objected to by the judge-advocate and ruled out by the court, who decided to admit no evidence as to the conduct of the accused after the crime had been committed and the accused arrested and carried before the provost-marshal. After this ruling no other testimony whatever was attempted to be introduced on the part of the accused, and no other suggestion of a defense appears throughout the record.

It is undoubtedly the law that where the specific defense of insanity is set up it is competent to introduce testimony as to the condition of the prisoner's mind after as well as before the offense was committed, in order to ascertain the state of his mind at the time of its commission (Bishop on Criminal Law, section 293; Grant versus Thompson, 4 Connecticut, 203; Kinne versus Kinne, 9 Connecticut, 102). In the present case, therefore, if the counsel had sought to introduce the testimony in question as evidence of insanity the court would have erred in rejecting it. But the purpose of the proposed testimony is in fact nowhere explained and is left quite obscure upon the record. It is nowhere indicated that a defense of insanity was intended to be presented, and in the absence of such indication it is impossible to determine whether the offer of the accused was a bona fide attempt to enter upon a substantial defense or an attempt to improperly influence the judgment of the court by bringing incompetent testimony into the record—testimony, for instance, of the declarations or statements of the accused made subsequent to the crime and in explanation of it, which have invariably been held inadmissible and not as part of the legitimate *res gestæ*.

Further, it is to be remarked that the tenor of the address to the court, offered by the accused at the close of the proceedings, directly repels the idea that a defense on the ground of insanity was seriously proposed. The address commenced with this language: "Although I do not intend to make a formal address, I can yet see how the evidence could be so explained as to show a case of self-defense, instead of what now seems the act of a madman." He then goes on to say, after a review of the testimony: "Upon the evidence now in, the act proved looks like the act of a madman. Here is an act seemingly without motive. The most malignant secessionist, unless insane, would not commit an act so seemingly without a motive." He then proceeds to intimate what his motive really was, and finds it in his determination not to be arrested and marched off under a guard of negroes—an indignity which he represents as having been threatened by the deceased (in the conversation which was inaudible to the witnesses), and which, he asserts, "he would not submit to." He further alleges a provocation for his act in the presence of the colored troops, whom he deems to have been brought into Norfolk to provoke and insult the inhabitants. In connection with this plea of self-defense he also claims that the evidence shows not an intent to kill but merely to wound the deceased. It is also to be noticed that nowhere in his address does he make any allusion to the offer of his counsel to prove his conduct and manner, or to the ruling of the court upon the question proposed to be

asked by them. It will be seen, therefore, by this examination of his address that the accused himself not only disclaims the plea of insanity as an answer to his crime, but actually sets up another, that of self-defense.

It only remains to add, in this connection, that the style of the address, its careful review of the testimony, and its ingenious exhibition of motive go far to repel the supposition that the accused was wanting in mental capacity. No insane person at a period subsequent to his crime could so recall the details of the occurrence or dilate so intelligently upon the motives of his actions. If the President shall be of the opinion that the court did not err in rejecting the testimony above alluded to, offered as it was without any indication of its purpose, and apparently justified, as its exclusion was, by the declaration of the accused himself in his address and by his own treatment of his case and his defense, it then only remains for His Excellency to pass upon the sentence in view of the simple testimony in relation to the crime. The crime then stands in the record as a homicide committed without just cause or provocation, as an undefended assassination, and therefore fully meriting the sentence imposed by the court.

Respectfully submitted.

J. HOLT,
Judge-Advocate-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 19, 1863.

Surg. J. SIMONS,
De Camp General Hospital, Davids Island, N. Y. Harbor:

SIR: In my letters of the 25th and 29th ultimo I instructed you as to the amount of clothing to be issued to rebel prisoners of war in your charge, and the quality was fixed with a view not only to save expense to the Government but also that these prisoners might not be returned to the rebel army in better condition for service than when they were captured. By a notice in the New York Herald of yesterday it appears that the Rev. Mr. Goss is acting in concert with the authorities in procuring such necessary articles as the Government refuses to furnish. Please inform me if there is any authority for this notice, and what articles are to be furnished through the agency of Mr. Goss. No contributions of clothing for prisoners of war will be received other than the prescribed articles, except by authority from this office, and such clothing will be issued with the limitations given in my letters above referred to. When there is cause for deviating from the instructions please report the facts.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

SPECIAL ORDERS, No. 197. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, August 19, 1863.

* * * * * * *

VIII. The troops paroled at Vicksburg and Port Hudson and subsequently furloughed will at the expiration of furlough be assembled as follows: Those from Tennessee will be assembled at Chattanooga, Tenn., under the direction of General Bragg, with the exception of

Vaughn's brigade, which has already been directed to assemble in East Tennessee at such point as Major-General Buckner shall direct; those from Georgia will be assembled at Atlanta, Ga., under the supervision of Brigadier-General Cumming; those from Alabama will be assembled at Demopolis, Ala., under the supervision of Brig. Gen. W. M. Gardner, and those from Mississippi and Louisiana will be assembled under the supervision of Lieutenant-General Hardee at Morton, Miss., or at such other place as Lieutenant-General Hardee shall direct.

The troops thus ordered to assemble will be formed and organized, as far as practicable, into their former regiments and battalions and will be reported without delay to this office.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, August 20, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose to you a copy of letter* to Mr. Ould in reply to one from him expressing an intention to declare exchanged Lieutenant-General Pemberton and certain other general officers captured at Vicksburg, and writing me to take their equivalents in our officers captured and paroled at Chancellorsville.

This inadmissible proposition is another evidence of the desperate condition of the rebels and their pressing need of general officers.

This letter was forwarded by me to Mr. Ould before I received notice of my being relieved, and I send it to you to show the exact position of Pemberton and the other rebel officers interested.

General Meredith has been furnished with a copy to enter upon the agency letter book.

I am satisfied, as I have been from the first, that Sawyer and Flinn will not be executed. This was settled by the prompt and significant selections of Lee and Winder.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW.

RICHMOND, *August 20, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 7th of July last Lieutenant-Colonel Ludlow addressed me a communication in relation to certain alleged outrages allowed by General Bragg to be perpetrated upon Federal soldiers.

On the 13th of the same month I replied informing the agent of exchange that the paper had been appropriately referred. I now send to you a copy of General Bragg's reply,† which I hope is satisfactory. If not, he very clearly points out how any further or fuller information may be obtained.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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*See Ludlow to Ould, July 22, p. 136. †Not found.

RICHMOND, *August 20, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Your communication of the 14th instant respecting Mr. Daniel Gerhart has been received. You say he was taken prisoner at Winchester while attending a son dangerously ill and inquire whether anything can be done to expedite his release. Undoubtedly something can be done. Release our non-combatants whom you have in prison and Mr. Gerhart is instantly free. I hope there is enough strength in Mr. Gerhart's case, he being "a wealthy citizen of Ohio," to accomplish what justice and mercy have asked in vain for more than a year.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 20, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The request of Mrs. C. Wilson cannot be granted. The courier who brought your letter asking that the lady should be allowed to have an interview with a traitor and a spy also brought the refusal of your authorities to permit the bereaved widow of a gallant officer to visit the North for the purpose of recovering his remains. How can you ask the one and deny the other?

I assure you again that there is no fair and reciprocal rule which may be proposed for mitigating the horrors of this war or for alleviating the distresses that grow out of it that will not be cheerfully adopted by the Confederate authorities. Such regulations, however, must be reciprocal. I beg leave, therefore, respectfully, in the beginning to state what may save us some correspondence: It is utterly useless for you to make a request as to any matters which you are not willing to grant in similar circumstances.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *August 20, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I inclose to you a statement* made by a truthful and honorable gentleman, whose name, for reasons which will suggest themselves to you, I withhold. It contains a narrative of such brutality that I am forced to bring it to your attention in order that due inquiry may be made, and those who have so outraged humanity, even where it presents itself in the form of an enemy, may be brought to justice.

This is no statement of deeds done in the wildwoods, away from civilization, but a carefully detailed narrative of the horrible practices perpetrated upon the persons of our poor soldiers in the neighborhood of your capital and at your known camps and places of confinement.

I am sure if any statement of similar atrocities, coming from anything like so respectable a source, were made to me I would use every effort to bring it to the test of truth. In the name, therefore, of a common

* Not found.

humanity, I appeal to you to look into this matter and inform me what are the facts in the case and what your authorities propose to do.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, August 21, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: A few days ago I learned that Colonel Kincaid, who succeeded Major Hendrickson in command of the Alton prison, was releasing considerable numbers of prisoners of war on their taking the oath and giving bond. I at once telegraphed him to stop it and to report by what authority it was done. I inclose for your information a copy of his reply received yesterday. No authority for this action of Major Hendrickson can be found among the papers left at the prison nor at these headquarters. I have sent an officer to make a thorough inspection of the Alton prison and will send you a copy of his report when made. I think it important that a competent and reliable officer be assigned as permanent commander of that prison as soon as practicable.

I am, colonel, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Major-General.

[Inclosure.]

MILITARY PRISON, *Alton, Ill., August 19, 1863.*

Major-General SCHOFIELD,
Commanding Department of the Missouri:

GENERAL: In answer to your telegram of the 15th instant, inquiring by what authority I was discharging prisoners of war, I have to reply that I was governed wholly by the instructions of my predecessor (Major Hendrickson). He informed me that there was an order to that effect, and he also turned over to me a large number of blanks prepared, and also a list of over 100 names of persons who had applied to take the oath. He also advised me to receive no more applications until I had disposed of the list referred to. I find also by the books and papers in this office that my predecessor had discharged in the month of May last sixty persons on oath. In the month of June sixty-two were discharged. In the month of July 120, and from the 1st to the 9th of August fifteen were discharged. From the 9th to the 15th, the day I received your telegram, I had discharged about thirty-five persons, some of which were by order of the Secretary of War. Supposing that Major Hendrickson was acting agreeably to orders and seeing no orders to the contrary, I, in accordance with Major Hendrickson's instructions, proceeded to discharge those and those only who in my opinion were sincere in taking the oath

I am, general, very respectfully, your obedient servant,

G. W. KINCAID,
Commanding Military Prison, Alton, Ill.

Alexander McDonald forwards by request a statement of the time and mode of capture of the members of the Sanitary Commission.

[Indorsement.]

AUGUST 21, 1863.

Respectfully referred to Brigadier-General Winder. It does not appear from the within statement that these parties had been or were rendering any service to our sick and wounded. If that fact could be shown it might alter their case. Cannot a fuller statement be obtained? What have the other parties to say? The writer seems to be more anxious about property than anything else.

RO. OULD,
Agent of Exchange.

HEADQUARTERS DISTRICT OF ARKANSAS,
Little Rock, August 21, 1863.

Brigadier-General SALOMON,
Commanding U. S. Forces, Helena:

GENERAL: I have the honor to acknowledge the receipt of your communication of August 6, instant, in reply to mine of July 31, and to say that, relying upon the faith of your statement that you will act in the matter of the exchange of prisoners "as soon as instructions can be obtained from the proper authorities," I have ordered all the Federal prisoners at this post, both officers and men (except a few who are too ill to be moved), to be paroled preparatory to being sent within the lines of the armies of the United States by a boat which leaves this city to-morrow morning for the specific purpose of transporting them to the mouth of the Arkansas River, or to such other point of delivery as may be found more convenient. The accompanying list* will show the number of officers and men to be delivered up within your lines—5 officers and 154 men.

I am, general, very respectfully, your obedient servant,
STERLING PRICE,
Major-General, Commanding District of Arkansas.

[First indorsement.]

HEADQUARTERS DISTRICT OF EASTERN ARKANSAS,
Helena, Ark., August 26, 1863.

Respectfully referred to Major-General Hurlbut, commanding Sixteenth Army Corps.

The letter of General Price, C. S. Army, referred to within, also General Salomon's answer and an application for instructions, have been forwarded to your headquarters, on August 7, and no answer received. The prisoners (list of whom is hereby inclosed) are forwarded with this boat for proper disposition.

M. MONTGOMERY,
Col. 25th Wisconsin Infty., Comdg. Dist. of Eastern Arkansas.

[Second indorsement.]

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., September 9, 1863.

Respectfully forwarded to Col. William Hoffman, Commissary-General of Prisoners.

The letters referred to were not received at these headquarters, but it is evident an agreement was made which it is recommended be

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*Omitted.

carried out by the speedy exchange of an equal number of rebel prisoners. The men herein named have been forwarded to Saint Louis, Mo., and rolls promptly transmitted.

S. A. HURLBUT,
Major-General.

[Third indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 27, 1863.

Respectfully referred to Brig. Gen. S. A. Meredith, commissioner for exchange of prisoners, Fort Monroe, Va.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

DE CAMP GENERAL HOSPITAL,
Davids Island, N. Y. Harbor, August 22, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your letter of the 19th instant in regard to clothing issued to wounded prisoners of war, and also inquiring if there is any authority for a notice in the New York Herald signed by the Rev. Mr. Goss. I have issued, as directed by you, underclothing, pants and shoes to about 800 men, who are in tents and who are marched to the mess-sheds for meals. No coats, hats, or stockings have been issued to these men. To those in the pavilions I have issued nothing as yet. In regard to the notice in the New York Herald signed by Mr. Goss I know nothing. That gentleman visited the island and called on me to ascertain what articles of clothing the Government furnished. I do not know if he was actuated by charitable motives or a desire for notoriety. I have received nothing from or heard of him since his visit.

Some charitable gentlemen have sent here several hundred hats, shoes, and a few coarse overshirts. A part of these were issued to the prisoners by the Rev. Mr. Dillon, but upon receiving the orders of General Canby I directed the issue of these articles to be discontinued. I regret that the issue of these articles has caused the most extravagant reports to be made by mischievous, untruthful, and designing parties. Your orders shall be carried out to the best of my ability as long as I remain in charge of this hospital. I would mention here that the clothing and hats of the wounded prisoners were saturated with blood and filled with maggots and vermin, and though an attempt was made to preserve the clothing I was compelled to have the greater portion of it burned. If it is your desire that the hats and shoes sent here by charitable persons should be distributed please inform me. I think the hats would add to the health of the prisoners, and the shoes might save those issued by Government.

I am, colonel, very respectfully, your obedient servant,

J. SIMONS,
Surgeon, U. S. Army.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
August 23, 1863.

Maj. Gen. N. P. BANKS,
Commanding U. S. Forces in Louisiana:

GENERAL: I have received your communication of the 17th instant notifying me that you have directed the immediate return to duty of all

prisoners paroled by me during my recent occupation of the La Fourche country. You state generally that the paroles were in violation of the cartel of exchange.

In the absence of any more specific statement from you I am at a loss to imagine in what particular the cartel of exchange has been violated by restoring these prisoners to their liberty upon the usual obligation not to bear arms against the Confederate States until regularly exchanged, after a careful observance of the forms requisite to give efficacy to the parole and in accordance with the practice repeatedly sanctioned and acted upon by both belligerents in this department. If under such circumstances your Government thinks proper to disapprove of the engagement thus solemnly made by these men, the common law and usages of war, as recognized by the Government of the United States in the rules in regard to paroles published by authority of its War Department, require their return and surrender as prisoners of war.

I shall expect, then, the return to me of all the captured men whose engagement has been disowned by the United States Government. Should this not be done, and the order you announce to me be persisted in, I have the honor to inform you that all the prisoners taken and paroled at Vicksburg and Port Hudson and now within the limits of my military district will be released from their paroles and ordered to duty.

Respectfully, your obedient servant,

R. TAYLOR,
Major-General.

GAINESVILLE, ALA., *August 24, 1863*

JAMES A. SEDDON:

Paroled prisoners are determined to believe they cannot be held to service until exchanged. Many prominent persons of the country encourage them. Unless there is prospect of immediate exchange I recommend that each regiment be ordered to rendezvous at given points in its own State, and a brigade camp should also be established in the State where the command may be ordered armed and disciplined. General Stevenson asks authority to reorganize his brigades in West Georgia and East Alabama. The men are coming in, but will not stay in paroled camp at Demopolis. Has Reynolds' brigade been ordered to rendezvous in Tennessee? Please answer immediately. Will forward my report of Vicksburg to-morrow.

J. C. PEMBERTON,
Lieutenant-General.

HEADQUARTERS CAVALRY BRIGADE,
Okolona, Miss., August 24, 1863.

Col. BENJAMIN S. EWELL, *Assistant Adjutant-General:*

COLONEL: I have the honor to report that I was lately detached from my command to operate along the line of Memphis and Charleston Railroad. I proceeded to the scene of my operations, and learning that there was a Yankee forage train near Alexander bridge, on the Pocahontas and Ripley road, I made the necessary arrangements and attacked it. In this fight two men, Private John Carraway, Captain White's company, C. S. Army, Private Moses Crisp, my company, State troops, were captured by the enemy, taken to the bridge referred

to, and deliberately shot. I call the attention of the general commanding to this murder, to the end that steps may be taken to prevent its recurrence and retaliate upon the enemy if necessary.

I have the honor, colonel, to be, very respectfully, your obedient servant,

SOL. G. STREET,
Capt. Company A, Lowry's Regt. State Troops, Second Mississippi.

[First indorsement.]

HEADQUARTERS CAVALRY BRIGADE,
Okolona, August 24, 1863.

Respectfully forwarded and attention particularly called to the case presented.

S. W. FERGUSON,
Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS FIRST DISTRICT,
DEPT. OF MISSISSIPPI AND EAST LOUISIANA,
Columbus, Miss., August 26, 1863.

The atrocious murder committed by the enemy on the two volunteers, John Carraway and Moses Crisp, in an organized company of State troops in the defense of the soil of their State against the invader, apparently demands prompt and vigorous measures of retaliation. I respectfully suggest that the enemy whenever and wherever captured while engaged in acts of robbery and incendiarism, or belonging to bodies committing those criminal acts in violation of the usages of war, be tried on the spot by a drumhead court-martial, and when pronounced guilty then and there executed and the record forwarded, duly signed by every officer on the court-martial. The company of State troops have received orders from time to time from Confederate commanders and co-operated with Confederate troops in the defense of the border. The two Federal prisoners, W. P. Monterey and W. H. Beasley, have been retained in prison as proper subjects for measures of retaliation. On so grave a question, so comprehensive in its bearing, I have deemed it expedient to await specific instructions from department headquarters.

DANIEL RUGGLES,
Brigadier-General, Commanding District.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fortress Monroe, August 25, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington City, D. C.:

GENERAL: I have just returned from a meeting with the rebel agent of exchange at City Point, and I have the honor to report to you that, in reply to his letter to me, dated August 5, 1863, wherein he claims "that the prisoners captured and paroled by the rebel forces in Maryland and elsewhere prior to the 3d of July should either be regarded as legally paroled or returned as prisoners of war," I made the following proposition, as directed in the letter of the General-in-Chief to you of August 12, 1863:

CITY POINT, VA., *August 24, 1863.*

I propose, on behalf of the Government of the United States, that all paroles given by officers and men between the 23d day of May, 1863, and the 3d day of July,

1863, not in conformity with the stipulations of the cartel, shall be regarded as null and void, a declaration to this effect to be published to both armies.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

This was declined, and the following was offered by Mr. Ould:

CITY POINT, VA., *August 24, 1863.*

I propose that all paroles on both sides heretofore given shall be determined by the general orders issued by the War Department of the United States, to wit, No. 49, No. 100, and No. 207 of this year, according to their respective dates, and in conformity with paragraph 131 of General Orders, No. 100, so long as said paragraph was in force. If this proposition is not acceptable I propose that the practice heretofore adopted respecting paroles and exchanges be continued. In other words, I propose that the whole question of paroles be determined by the general orders of the United States, according to their dates, or that it be decided by former practice.

RO. OULD,
Agent of Exchange.

In reply to my demand for the release of Colonel Streight and his command I was informed that they were in Richmond held as other prisoners of war, and will be exchanged when exchanges of officers are resumed. In relation to Doctor Rucker, Mr. Ould referred me to his letter of August 16, which I have the honor to forward herewith.*

To my demand "that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war, and be exchanged as such," Mr. Ould declined acceding, remarking that they (the rebels) would "die in the last ditch" before giving up the right to send slaves back to slavery as property recaptured, but that they were willing to make exceptions in the case of free blacks. He could not exactly tell me how his authorities intended to distinguish between the two (free and slave), but presumed that evidence as to the fact of freedom would be taken into consideration. As their laws put slave and free upon the same footing no comment is necessary.

An informal proposition was made to the following effect: "To exchange officer for officer of the same grade, except such as are in command of negro troops;" which was declined.

Mr. Ould expresses a willingness to release all chaplains, provided that one Septimus Cameron, who, he stated, had been in prison for a year, should be released, or indicted for any offense he may have committed. On my inquiring about and urging the release of the members of the Sanitary Commission, I was informed that they would be set free on making a statement in writing that they had at any time been of assistance to rebel soldiers. General Neal Dow has been handed over to the Governor of Alabama. Lieutenant-Colonel Powell is in Libby Prison, Richmond. I have notified the rebel authorities in relation to the two above-named officers, as directed in yours of the 18th ultimo [instant].

The rebel authorities wish to continue exchanging non-commissioned officers and privates as usual, returning as many as we send.

I have given you, I believe, the substance of all that took place, according to your suggestion. I avoided much discussion. No agreement as to exchanges was arrived at.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

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* See p. 208.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fortress Monroe, August 26, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: Your communication of the 20th instant, in answer to mine of the 19th in relation to Mr. Daniel Gerhart, is received. No case is known of the detention in the North of a non-combatant which assimilates to that of Mr. Gerhart in the South. In all cases of the arrest of non-combatants it has been upon some special causes making it necessary and proper. If there was a disposition North to arrest citizens of the South, merely as such, the positions of the U. S. forces would show every one that such arrests could be made almost without limit. If you will state a case parallel to that of Mr. Gerhart, I will refer it at once to the proper authority, and it will no doubt be considered with every disposition to afford relief.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Agent of Exchange.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, August 26, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have examined the plan and estimate submitted to you by His Excellency the Governor of Ohio for the removal of Camp Chase and the erection of a new camp and depot for prisoners of war. I think the estimate less than the probable cost, and the plan or map received with the papers does not designate the location or give information needed for a proper decision.

From information received verbally I am of opinion that the question of removing Camp Chase to a new location deserves careful consideration, and I recommend that the Commissary-General of Prisoners be instructed to visit the camp, examine the neighborhood, and confer with the Governor, and report fully upon the subject, with plans and estimates. If this be approved, I propose to send with him an experienced builder to assist in preparing plans and estimates. The papers are respectfully returned.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 26, 1863.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I have the honor to submit for your consideration the inclosed letter* from Major-General Rosecrans, commanding Department of the Cumberland, reporting the course he has deemed it best to pursue toward deserters from the rebel army, and also a letter† from Lieut. Col. J. F. Hoy, provost-marshal of Department of West Virginia, reporting the disposition made of rebel deserters in that department by order of General Kelley, commanding.

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*See Rosecrans to Hoffman, August 16, p. 207. †Not found.

I would respectfully request that a uniform system be prescribed by the War Department for the treatment of deserters. In the West and Southwest, where their numbers are very large, it would be attended with much inconvenience and expense to hold them as prisoners of war until an inquiry could be made in each case and a report submitted before ordering a discharge, and to parole them places them in a very doubtful position, in which they certainly are not for us and may be against us. They have decided advantage over their loyal neighbors, inasmuch as they take no part in support of the Union and are not called upon to risk their lives in defense of their own homes. It would seem, therefore, advisable that under the special instructions of department commanders, based on detailed reports, deserters from the rebel army should be required to take the oath of allegiance and with it all the responsibilities of a loyal citizen. The military history of each case—that is, his rank, regiment, company, and the circumstances of his desertion, with his descriptive list—should be submitted by the department commander for the information of the War Department through the Commissary-General of Prisoners. Where a number are discharged at the same time a list in alphabetical order should be furnished.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 26, 1863.

Surg. CHARLES H. CRANE, U. S. Army,
Washington, D. C.:

SIR: You will proceed without delay to make an inspection of the hospitals at Davids Island, N. Y., Chester, Pa., Fort Delaware, Gettysburg, Pa., and the West Hospital, Baltimore, all occupied by rebel prisoners of war. Besides examining into the present condition of the sick and wounded you will please inquire how far the regulations for the government of officers in charge of prisoners of war are carried out. It is expected that the regulations, a copy of which are inclosed herewith, will be closely adhered to, and you will call the particular attention of medical officers in charge of hospitals to them. On completing this service you will present a written report of the result of your inspection at this office.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS CAVALRY BRIGADE,
Okolona, August 26, 1863.

Capt. L. D. SANDIDGE, *Acting Assistant Adjutant-General:*

CAPTAIN: I telegraphed the brigadier-general commanding, requesting the detention of two Federal prisoners I had forwarded, for this reason: Captain Street, of the State troops, reported to me the barbarous murder a few days since of two soldiers under his command captured in a fight by the enemy, and by them tied to trees near the spot where captured and shot to death. He addressed a communication on the subject direct to General Johnston, which I forwarded for him,

and I thought it advisable to have the two raiders recently captured by my men held until the action of General Johnston could be known. I forward to-day a Yankee officer who escaped from his captors, some of General Chalmers' men, I believe, and was recaptured by some of Colonel Inge's men.

Very respectfully, your obedient servant,

S. W. FERGUSON,
Brigadier-General.

SPECIAL ORDERS, No. 168.

HEADQUARTERS,
Morton, Miss., August 26, 1863.

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II. Brigadier-General Harris will have the State troops captured at Vicksburg forthwith assembled at Columbus, Miss., to be there paid to the time of their paroles and mustered out of service.

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By command of General Johnston:

BENJ. S. EWELL,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, August 27, 1863.*

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, &c.:

GENERAL: Information having reached this Department that Brig. Gen. Neal Dow, an officer in the service of the United States, who was captured by the enemy in the Department of the Gulf, has been turned over to the authorities of the State of Alabama, and is now held by them in violation of the cartel and the usages of war, it is ordered that you select from the rebel prisoners held by the United States an officer of the same rank, and put him in close custody to be held as a hostage for the proper treatment and release of Brig. Gen. Neal Dow, and that you communicate a copy of this order to the rebel authorities.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS OF THE ARMY,
Washington, August 27, 1863.

Major-General HITCHCOCK, *Present:*

GENERAL: The Secretary of War directs that General John H. Morgan be held in close confinement for the release of General Neal Dow, and Mr. Ould be notified of this selection.

Yours, &c.,

H. W. HALLECK,
General-in-Chief.

[Indorsement.]

WASHINGTON, *August 27, 1863.*

Referred to Colonel Hoffman, Commissary-General of Prisoners, with instructions to give the necessary orders to carry out the within order, in conformity with that of the Secretary of War of this date.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

WASHINGTON, D. C., *August 27, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief, &c.:*

SIR: The proposal of the 12th instant, on the subject of paroles, directed by you with the approval of the Honorable Secretary of War, was presented to Mr. Robert Ould by General Meredith on the 24th instant, and was declined; and Mr. Ould submits the following proposal: that—

All paroles on both sides heretofore given shall be determined by the general orders issued by the War Department of the United States, to wit: No. 49, No. 100, and No 207 of this year, according to their respective dates, and in conformity with paragraph 131 of General Orders, No. 100, so long as said paragraph was in force. If this proposition is not accepted I propose that the practice heretofore adopted respecting paroles and exchanges be continued. In other words, I propose that the whole question of paroles be determined by the general orders of the United States, according to their dates, or that it be decided by former practice.

This proposal bears date the 24th of August, at City Point. The questions connected with this matter are respectfully submitted.

I have the honor to be, respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

WASHINGTON, D. C., *August 27, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief, &c.:*

SIR: The following passage occurs in a communication of the 25th instant from General Meredith, reporting the results of his recent interview with Mr. Robert Ould, at City Point, to wit:*

Communicated for the information of the General-in-Chief.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

WASHINGTON, D. C., *August 27, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

SIR: General Meredith reports by letter of the 25th instant that in his late interview with Mr. Ould the latter proposed "to exchange officer for officer of the same grade, except such as are in command of negro troops," which General Meredith (very properly) declined.

Communicated for the information of the General-in-Chief.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 27, 1863.

Brig. Gen. J. M. SCHOFIELD,
Commanding Department of the Missouri, Saint Louis, Mo.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 21st instant relative to the discharge of prisoners of war at the

* See Meredith to Hitchcock, August 25, paragraph beginning "To my demand," and ending "no comment is necessary," p. 226.

Alton prison. On examining the records of this office I find that instructions were given in February last to release prisoners of war on their taking the oath of allegiance in good faith. These instructions were countermanded in May, but I do not find anything to show that the countermanding order was sent to your headquarters or to Alton, and it is probable that through an oversight it was never forwarded. This will account for the action of Major Hendrickson in this matter.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

DETROIT, MICH., *August 27, 1863.*

General JAMES B. FRY:

C. L. Vallandigham is at Windsor, opposite this place. There is an impression that he intends crossing into Michigan. If so shall he be arrested and whether by provost-marshal or military commander; and if arrested where shall he be sent? Give instructions if he should go to Cleveland, Ohio. Please answer at once.

B. H. HILL,
Lieut. Col. Fifth Artillery, Actg. Asst. Provost-Marshal-General.

PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., August 27, 1863.

Col. B. H. HILL, *Detroit, Mich.:*

Get all the information you can about Vallandigham's movements and communicate it to General Burnside.

JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS, *Cincinnati, August 27, 1863.*

Brig. Gen. L. THOMAS:

The following has just been received:

DETROIT, *August 27, 1863.*

Major-General BURNSIDE, *Commanding Department of the Ohio:*

C. L. Vallandigham is at Windsor, opposite this place. The impression is that he will cross into Michigan. If so, shall he be arrested and where sent?

J. R. SMITH,
Military Commander.

In the absence of General Burnside and not being able to communicate to him by telegraph I have ordered that if Vallandigham crosses the river he be arrested and at once sent under a strong guard to Fort Warren.

W. P. ANDERSON,
Assistant Adjutant-General.

INDIANAPOLIS, *August 27, 1863.*

Col. J. R. SMITH, *Detroit:*

C. L. Vallandigham must not be allowed to cross into Michigan. Should he offer to cross, notify him that it will be your duty to arrest

him if he crosses. Let him be arrested and sent by steam-boat to Johnson's Island, Sandusky. Is the U. S. steamer Michigan in port? If so, apply to the commanding officer for co-operation.

O. B. WILLCOX,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, August 27, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I would again earnestly call your attention to the case of Messrs. Richardson and Browne, correspondents of the New York Tribune. In yours of August 20 you state "that there is no fair and reciprocal rule which may be proposed for mitigating the horrors of this war that will not be cheerfully adopted by the Confederate authorities." Now, sir, I think that the Confederate authorities could not have a better opportunity for reciprocating than in the case of the two gentlemen above named, for when Vicksburg was captured the editors of the Whig and Citizen fell into our hands and were immediately paroled and sent away. If you are sincere, then, in your offers, I call upon you to give me evidence thereof by immediately releasing Messrs. Richardson and Browne.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

DEMOPOLIS, ALA., *August 27, 1863.*

General S. COOPER, *Adjutant and Inspector General:*

Am I relieved from command of paroled prisoners? The following telegram was received this morning:

CHATTANOOGA, *August 27.*

Major-General STEVENSON:
You will reassemble your command at Atlanta.
By command of General Bragg:

GEO. W. BRENT,
Assistant Adjutant-General.

General Hardee informs me that he is in command of all paroled prisoners in Mississippi and Trans-Mississippi Department.

J. C. PEMBERTON,
Lieutenant-General.

HEADQUARTERS, *Demopolis, Ala., August 27, 1863.*

SOLDIERS: By direction of the President of the Confederate States I assume command of the paroled prisoners of Mississippi, Arkansas, Missouri, Texas, and Louisiana, recently forming a part of the garrisons of Vicksburg and Port Hudson.

I could desire no greater honor than the command of troops whose sufferings and achievements have added to the renown of their country and compelled the admiration even of their enemies.

In anticipation that you will soon be exchanged, the work of reorganization must proceed with energy. The place of rendezvous is changed from Demopolis, Ala., to Enterprise, Miss. All officers and men must be at their posts. They should be there now. To those present at roll-calls no word is needed. Your daily answers are uttered in the manly

tones of duty and honor. Many are absent. You must repair at once to the post of duty. The appeals that meet you on every side are the strongest that in any age have stirred the human heart.

Soldiers, look at your country! The earth ravaged, property carried away or disappearing in flames and ashes, the people murdered, the negroes arrayed against the whites, cruel indignities inflicted upon women and children. Destruction marks the path of our invaders. Their motto is "Woe to the conquered." He who falters in this hour of his country's peril is a wretch who would compound for the mere boon of life robbed of all that makes life tolerable.

Fellow soldiers! There is but one path to follow; it leads to the camp. Come to your colors and stand beside your comrades, who with heroic constancy are confronting the enemy. Choose now between the glory of successfully defending all that entitles you to the name of men and the infamy of creeping abjectly to the feet of a foe who will spurn your submission and despise your cowardice.

W. J. HARDEE,
Lieutenant-General.

WAR DEPARTMENT, *Washington, August 28, 1863.*

Major-General FOSTER, *Fort Monroe, Va.:*

Please notify, if you can, Senator Bowden, Mr. Segar, and Mr. Chandler, all, or any of them, that I now have the record in Doctor Wright's case, and am ready to hear them. When you shall have got the notice to them, please let me know.

A. LINCOLN.

WASHINGTON, *August 28, 1863*

Major-General BANKS, *New Orleans:*

GENERAL: Your letter of August 17 transmitting copies of forms of paroles taken at Port Hudson is just received. I perceive from the Richmond newspapers that the enemy is making the very point to which I called your attention, viz, that the paroling and delivering of these prisoners not being in accordance with the terms of the cartel, the parole is not binding, and the men can be returned to the ranks without exchange. This will seriously increase existing difficulties in regard to exchanges. I do not find in these newspapers any specification wherein the cartel was violated in this case, but I presume the ground will be taken that there was no binding agreement between the commanding officers in the field. As General Gardner after becoming a prisoner of war did not command in the field, he was no longer a commanding officer and could not bind his Government. Had the agreement been made by him before his unconditional surrender, it would have clearly been within the terms of the cartel.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS FIFTEENTH ARMY CORPS,
August 28, 1863.

General GRANT, *Vicksburg:*

In drawing up my letter for the flag of truce to-morrow, I was led to examine more critically the Dix-Hill cartel, General Orders, No. 142, of

1862. By article 5 each of the contending parties has the right to release from their parole any of their exchanged prisoners, simply furnishing to the adverse party a list of the names of the persons so released. It does not appear that we must have notice of such release. Lee may simply answer that he has notice from Richmond, and don't care whether we have notice or not. If you say so, I will prepare a letter and telegraph it to you for approval before dispatching it. I don't want those fellows to get an advantage of us on paper, as they are great braggarts and would make the most of it.*

W. T. SHERMAN,
Major-General.

[AUGUST 28, 1863.—For Sherman to Rawlins, in relation to return to duty of General S. D. Lee and other Confederates paroled at Vicksburg, see Series I, Vol. XXX, Part III, p. 197.]

HEADQUARTERS FIFTEENTH ARMY CORPS,
Camp on Big Black, Miss., August 28, 1863.

General W. H. JACKSON,
Commanding Division of Cavalry, C. S. Army, Canton:

GENERAL: I had the honor to receive on the 24th instant at the hands of Captain Moorman your letter of the 23d. The lady, Mrs. Cotton, was sent to Vicksburg by cars. I also according to the request of Captain Moorman communicated to Mrs. General Tilghman, at Clarksville, Tenn., the sad news of the death of her son Lloyd.

I have noticed by your newspapers that General Stephen D. Lee has been assigned to command the cavalry forces in the State of Mississippi, and that he entered on his duties about the 20th instant. Our official advices from Washington come down to a much later period, and we have no notice that the Vicksburg prisoners or any of them have been exchanged. Such a notice is universally required in war, and is specifically required by the Dix-Hill cartel, article 5. If General Lee is in command I request this letter be considered as addressed to him, and that he communicate to me the simple fact that he has received notice of his exchange from the proper quarters in Richmond, and if possible the name of the officer or officers taken as his equivalent. This information will enable me and General Grant to repress a growing belief that your authorities design to disregard the Vicksburg paroles, which I cannot suppose.

I send this communication by the hands of my aide, Captain Dayton, and escort of twenty-five men, accompanied by Colonel Coolbaugh, who is well acquainted with many of your officers, and I authorize them to carry along a budget of newspapers, full of the current gossip of the world, in which I know you feel more interest than you would have us outside barbarians believe.†

With great respect, your obedient servant,

W. T. SHERMAN,
Major-General, Commanding.

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* For reply, see Series I, Vol. XXX, Part III, p. 197. † *Ibid.*, p. 228.

MEDICAL INSPECTOR-GENERAL'S OFFICE,
Washington, D. C., August 28, 1863.

Brig. Gen. W. A. HAMMOND,
Surgeon-General U. S. Army:

GENERAL: Medical-Inspector Cuyler reports "numerous cases of low form of disease among the prisoners at Fort Delaware, attributable in part to the crowded condition of the prison," and indicates the following sanitary measures as necessary:

Improving ventilation by making openings flush with the floor of barracks at intervals of fifteen feet; additional windows at ends of buildings; reducing the number of bunks by removing one tier; constructing wooden troughs in or near the buildings for washing faces and hands; urinals at convenient distances, with movable soil tubs or latrines, for use of sick in quarters at night, the distance to the sinks being considerable; ditches and drains to be kept free, and the interior of barracks whitewashed at least every six weeks. The prisoners have no bedding, and so little clothing that it is almost impossible to enforce cleanliness of person.

These recommendations could be carried out at small expense of material by the prisoners, and are approved and respectfully referred to the Surgeon-General.

I have the honor to be, very respectfully, your obedient servant,
JOS. K. BARNES,
Medical Inspector-General, U. S. Army.

[Indorsement.]

SURGEON-GENERAL'S OFFICE, *August 29, 1863.*

Respectfully forwarded to the Commissary-General of Prisoners. It is recommended that the suggestions of Lieutenant-Colonel Cuyler be carried out.

By order of the Surgeon-General:
JOS. R. SMITH,
Surgeon, U. S. Army.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, August 28, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to inclose herewith a letter from the Secretary of War and one from the General-in-Chief giving instructions in relation to the selection of a general officer to be held as a hostage for Brig. Gen. Neal Dow, of the U. S. Army, who has been turned over to the authorities of the State of Alabama.*

These letters are furnished you that you may communicate to the rebel authorities the orders of the Secretary of War, as directed by him.

In exchanges to be made hereafter I am instructed to say that as far as practicable prisoners of war from the States of South Carolina, Georgia, Alabama, and Mississippi shall be the last to be exchanged, those from South Carolina being reserved to the last.

Very respectfully, your obedient servant,
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* See Stanton to Hitchcock, August 27, and Halleck to Hitchcock, same day, p. 229, referred to Hoffman.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 28, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

The Secretary of War directs that the instructions communicated in my letter of this date be not carried out till further orders. Please reply.

W. HOFFMAN,
Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 28, 1863.

Brig. Gen. JOHN S. MASON,
Commanding, Columbus, Ohio:

GENERAL: By direction of the Secretary of War you will please place Brig. Gen. John H. Morgan, of the rebel army, now in custody in the Ohio penitentiary, in close confinement, to be held as a hostage for the proper treatment and release of Brig. Gen. Neal Dow. He is to remain in the penitentiary where he now is, but is to have no communication with other prisoners, nor will he be permitted to see visitors except by authority of the War Department.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *August 28, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I send to you the statement* of the treatment of Confederate prisoners, with the signature of the writer. It accorded with every representation that has heretofore been made with respect to the Fort Delaware prisoners, and therefore I forwarded it. I withheld the name of the writer because the fortunes of war might at some future time throw him into your hands. If, however, the statement is false, he deserves punishment from our own hands.

I will thank you to have the proper report made on the subject.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 28, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Col. W. H. Powell is not in a "dark, damp cell, alone." His place of confinement is neither dark nor damp. He is charged with the commission of atrocities which your own general orders denounce. He is in no closer confinement than General Morgan, and has not been subjected to the felon indignities inflicted upon that officer. If you wish to know the specific charges against him I will make due inquiry

* Not found.

and inform you. General Neal Dow has not been handed over to the Governor of Alabama, as you allege.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., September 10, 1863.

Respectfully forwarded to Maj. Gen. E. A. Hitchcock, Commissioner of Exchange, Washington, D. C.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

RICHMOND, *August 28, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I confess that I was very much disappointed in not receiving one word from you by the present boat in relation to the proposition I made to you at our late interview, respecting paroles; nor did you say when you could be at City Point to give an answer.

I received no answer to my communication in relation to the release of surgeons. I beg that you will return an answer as to these matters in your next communication.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *August 28, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Some time ago I addressed a communication to you asking why you held General Morgan in close confinement and what was its nature. To that I have received no reply. In that I am not disappointed, as it is not the habit of the Federal agent of exchange to answer inquiries. Since then I have seen in your papers detailed accounts of the treatment General Morgan and his brother officers have received. What does this mean? It is alleged that this course is pursued in retaliation for the confinement of Colonel Streight and his officers.

I have already assured you that those officers are treated exactly as all others held in confinement at the Libby. Colonel Streight has expressed to me in person his satisfaction as to the manner in which he was treated. Do you wish him shaved and put in a felon's cell? If you do you are pursuing exactly the course to effect it. May I again ask why you have put General Morgan and his brother officers in a penitentiary?

I have but faint hopes of getting any reply, but under the circumstances I have ventured the question.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *August 28, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I still adhere to my declaration of the 20th instant in respect to the release of non-combatants. To that and almost every other communication involving a principle you have not replied. Fairness

requires that you should answer it in some form before you criticise it. Will you agree to the unconditional release of all non-combatants?

Your reference to the parole of the editors of the Whig and Citizen at Vicksburg has no sort of force. They were paroled by the terms of surrender and not by any special grace of your authorities. You could not have retained them without a breach of the terms of capitulation. Their cases are in no respect analogous to those of Richardson and Browne, except in their avocation of driving the quill. Richardson and Browne will be released just as soon as you agree to discharge non-combatants.

I still say there is no fair and reciprocal rule which may be proposed for mitigating the horrors of this war that will not be cheerfully adopted by the Confederate authorities.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, August 28, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Your extract from a letter respecting Capt. Peter Ford and crew of the steamer Emily has been received. I will adopt your rule and decline "forwarding anonymous communications." If the writer will sign his statement I will refer it for investigation immediately. In the meantime allow me to state that the statement is an infamous falsehood.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure returned.]

BALTIMORE, *August 17, 1863.*

Major-General FOSTER, *Fortress Monroe, Va.:*

DEAR SIR: From a gentleman with whom I have conversed, recently released from the Libby Prison at Richmond, I understand that Capt. Peter Ford and crew of the steamer Emily, which boat was captured on or about the 15th of May last at the mouth of the Elizabeth River, are in a most deplorable condition and are not likely to survive the treatment of their incarceration for any considerable time. The object of this note is to enlist your sympathy in behalf of himself and crew (the captain being very sick at present) to the end that you may do whatever is in your power for his release. Captain Ford has been one of the most energetic gentlemen connected with the steam marine of our coast and has been of vast benefit to the Government in many ways. Anything you can do in behalf of Captain Ford and crew will be an advantage to the Government.

Yours, with high respect,

THOS. McCORMICK.

[First indorsement.]

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
August 18, 1863.

Respectfully referred to General Meredith.
By order of General Foster:

J. F. ANDERSON,
Aide-de-Camp.

[Second indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE OF PRISONERS,
Fort Monroe, Va., August 30, 1863.

Respectfully returned to Major-General Foster with a reference to accompanying letter from R. Ould, rebel agent for exchange.

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

RICHMOND, VA., *August 28, 1863.*

JOHN GRAHAM, Esq.:

MY DEAR SIR: Yours of the 21st instant has been received. Your brother is comfortable and is improving. It is not true that the Secretary of War has endeavored to effect his release. I am now and have been at all times ready to exchange and release him for a brigadier-general whom I may name. I have so great a desire to gratify you that I can say I will exchange your brother for any brigadier whom you have in confinement. I am amazed that it should be represented to you that any special effort has been made for the exchange of your brother.

I have a very pleasing recollection of the time when we met. We were in contest, but it was without the horrors that attend this. I could say more, but even my privilege with the flag of truce is limited. I shall always be happy to gratify you in the line of my duty. If your brother is not released it will not be any fault on this side.

Yours, truly,

RO. OULD,
Agent of Exchange.

RICHMOND, *August 28, 1863.*

Lieutenant-General PEMBERTON:

Since the order for the court of inquiry it was considered that your presence before the court would be necessary. Hence the paroled prisoners of your command have been ordered to assemble. Those from Tennessee at Chattanooga or Atlanta under General Bragg; those from Georgia at Atlanta under General Cumming; those from Alabama at Demopolis under General W. M. Gardner, and those from Mississippi and Louisiana under General Hardee at Morton.

This relieves you from duty with that command and will enable you to give your attention to investigation before the court.

S. COOPER,
Adjutant and Inspector General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 29, 1863.

Maj. Gen. W. S. ROSECRANS,
Commanding, Murfreesborough, Tenn.:

GENERAL: Your letter of the 16th instant has been submitted to the Secretary of War, and I am instructed to reply as follows: Deserters from the rebel army will be disposed of permanently at the discretion of the commander of the department in which they may be found. If

discharged on taking the oath of allegiance, or on any other terms, a descriptive list of each case should be preserved at the headquarters of the department and a copy transmitted to the Commissary-General of Prisoners as a means of detecting any violation of the condition of discharge. The course to be pursued for the discharge of prisoners of war is prescribed in General Orders, No. 286, a copy of which is herewith inclosed.*

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 29, 1863.

Brig. Gen. JOHN S. MASON, *Commanding, Columbus, Ohio:*

GENERAL: I learn from letters passing through this office from rebel prisoners of war in the Ohio penitentiary that they frequently receive varieties of luxuries from their friends in Kentucky. There may be circumstances which would justify such an indulgence in a particular case, but it is expected that it will be granted only for special reasons and by your authority. It would not be safe to delegate the authority to any subordinate, because it is almost impossible for them to resist the importunities, if not temptations, which are pressed upon them to overstep the limits prescribed for them. The quantity of clothing issued to prisoners of war should be limited to what is absolutely necessary; that is, a change of underclothing and one suit of outer garments, whether issued by the Government or contributed by their friends. Will you please direct that issues at Camp Chase shall conform to the above conditions?

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

MEDICAL DIRECTOR'S OFFICE,
Baltimore, Md., August 29, 1863.

Lieut. Col. W. H. CHESEBROUGH,
Assistant Adjutant-General, Middle Department:

COLONEL: I have the honor to report that in my capacity of medical inspector of this department I yesterday visited the hospital at Fort McHenry, finding it in excellent order.

I also visited the building in which rebel and other prisoners are confined, finding it filthy in the extreme, and a disgrace both to humanity and the service.

I am, colonel, very respectfully, your obedient servant,

GEORGE SUCKLEY,
Surgeon, U. S. Volunteers,
Actg. Medical Director and Medical Inspector, Middle Department.

[First indorsement.]

HEADQUARTERS MIDDLE DEPARTMENT,
Baltimore, Md., August 31, 1863.

Respectfully referred to the commanding officer of the Second Brigade.

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* See p. 212.

[Second indorsement.]

HEADQUARTERS DEFENSES OF BALTIMORE,
Fort McHenry, September 4, 1863.

Respectfully returned to department headquarters, Eighth Army Corps, with the accompanying report of the provost-marshal of this post.*

W. W. MORRIS,
Brevet Brigadier-General, Commanding.

[AUGUST 30, 1863.—For Grant to Halleck, in reference to the parole and return to duty without exchange of General S. D. Lee, see Vol. XXX, Part III, p. 224.]

[AUGUST 30, 1863.—For Grant to Sherman, in regard to prisoners taken without uniform, see Series I, Vol. XXX, Part III, p. 226.]

LIBBY PRISON, *Richmond, August 30, 1863.*

Brig. Gen. S. A. MEREDITH, U. S. Army,
Commissioner for Exchange of Prisoners:

SIR: I have the honor to call your attention to the inclosed copy of a communication to the Hon. James A. Seddon. I, as well as others of my fellow-prisoners, have repeatedly appealed for relief to the subordinate officers having us in charge, but have as often been assured that our situation as to rations, quarters, and treatment generally was much better than their officers received at the hands of our Government. It is needless to add that our treatment as officers, prisoners of war, is entirely contrary to all civilized usages, and it is my earnest hope, and, so far as I have been able to ascertain, it is the unanimous desire of the officers here that such measures be taken by our Government as will insure proper treatment to both our officers and men while prisoners of war in the hands of the enemy, no matter who that enemy may be.

I have the honor, sir, to be, your most obedient servant,

A. D. STREIGHT,
Colonel Fifty-first Indiana Volunteers, U. S. Army.

[Inclosure.]

LIBBY PRISON, *Richmond, August 30, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I take the liberty of addressing you in behalf of myself and fellow-prisoners in relation to our situation. About 600 of us are confined here with an average space of nearly twenty-eight square feet each, which includes our room for cooking, eating, washing, bathing, and sleeping. Our rations consist, as nearly as I can judge as to quantity, of about one-fourth pound of poor fresh beef, one-half pound of bread, and one-half gill of rice or beans for each man per day. The above amount has been found insufficient both as to quantity and quality to

* See September 3, p. 255.

sustain life and health in our close prison confinement. Scorbutic diseases have already appeared, proving fatal in one case—Major Morris—and impairing seriously, if not permanently, the health of others.

Our sanitary condition would have been much worse than it now is but for the large purchases of vegetables and other provisions, amounting to nearly $1,000 per day, which we have been allowed to make, but as nearly all our money was taken from us when we entered the prison the daily expenditure of this large sum has at length about exhausted what was left us. We have also been notified that we will not be allowed to receive any portion of the money taken from us here, nor even such sums as have been sent us from home since our imprisonment, though before writing for these moneys we were expressly assured by your officers having us in charge that we would be allowed to receive them. It will be perceived from the above statement that our immediate prospective condition is, to say the least, that of semi-starvation. The rations furnished by your Government may be as good and as much as it can afford under the circumstances, but in that case it does seem that we should be allowed to purchase the necessary amount to sustain us. It cannot possibly be that it is intended to reduce to a famishing condition 600 prisoners of war. Humanity cannot contemplate such a thing without feelings of the deepest horror, saying nothing of our rights as prisoners of war. Even criminals guilty of the blackest crimes are not, among civilized people, confined for any length of time on insufficient food.

I wish further to state to you that previous to my surrender I made a stipulation with General Forrest, to whom I surrendered, that all private property, including money belonging to my officers and men, should be respected. This stipulation, in the handwriting of General Forrest over his own signature, is now in the hands of General Winder, having been taken from me here. Notwithstanding this, my officers, ninety-five in number, have been notified with the balance that their money has been turned over to the Confederate authorities.

For the purpose of avoiding further loss of money or misunderstanding and, if possible, to obtain relief from the unhappy situation in which we are placed, you are most respectfully asked to state, in your answer to this communication, the manner in which we will be allowed to obtain necessary food and clothing to render us comfortable.

I have furnished Hon. Robert Ould, Confederate commissioner for exchange of prisoners, a copy of this communication, and will also send a copy, if permitted to do so, to General Meredith, the U. S. commissioner for exchange of prisoners, in order that the whole subject may come up for discussion at the next meeting of said commissioners.

I have the honor, sir, to be, your most obedient servant,

A. D. STREIGHT,

Colonel Fifty-first Indiana Volunteers, U. S. Army.

OFFICE COMMISSARY-GENERAL OF PRISONERS,

Washington, D. C., August 30, 1863.

Maj. Gen. J. G. FOSTER,

Commanding, Fort Monroe, Va.:

GENERAL: I am instructed by the Secretary of War to say that hereafter deserters from the rebel army will be disposed of primarily, at the discretion of the commander of the department in which they may be found. If discharged on taking the oath of allegiance, or any other

terms, a descriptive list of each case will be preserved at the headquarters of the department, and a copy transmitted to the Commissary-General of Prisoners, as a means of detecting any violation of the condition of the discharge. The course to be pursued for the discharge of prisoners of war is prescribed in General Orders, No. 286, a copy of which is herewith inclosed.*

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Generals Burnside, Grant, Dix, Schofield, Banks, Gillmore, Brooks, Morris, and Kelley.)

WASHINGTON, *August 31, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: In compliance with your instructions I visited Point Lookout yesterday and have the honor to report:

There are about 800 sick and wounded Union soldiers in hospital at that place; about 1,800 rebel prisoners of war encamped on the Chesapeake side near the point, and a guard of 400 Union troops encamped on the Potomac side, opposite the camp of rebel prisoners, all under the command of General Marston.

I found everything apparently in excellent order; guards well posted with every appearance of vigilance and security.

General Marston thinks that with a cavalry force of 100 men he could do much toward suppressing blockade running, and in the preservation of order in the country where his camp is situated. If furnished with horses and cavalry equipments a sufficient number of men might be added from his infantry command to answer the purpose, and I respectfully recommend that this be done.

There are two gun-boats at the point, one with about forty men (as I was informed), the other "not half manned," and neither of them have the use of steam power; one having no engine, the other a wholly disabled engine.

I saw three gun-boats between the point and Alexandria, but their condition is unknown to me.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., August 31, 1863.

Maj. Gen. J. M. SCHOFIELD,
Commanding Department of the Missouri, Saint Louis, Mo.:

GENERAL: In reply to your inquiries of the 26th instant in regard to regulations which may have been heretofore issued for the disposition of the effects of deceased rebel prisoners of war, I have the honor to say that such cases have not been before presented to me, as no regulations to provide for them have as yet been issued. I shall immediately notify officers in charge of prisoners of war that all money left by those who may die will be turned into the prison fund, a receipt being taken for the amount by the surgeon and forwarded to this

*See p. 212.

office. Any clothing or other articles will be taken possession of by the commanding officer to be used for the benefit of other prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Indorsement.]

Make copies of this communication and send to the medical directors in the department, and direct that they govern themselves accordingly.

J. TOTTEN,
Brigadier-General.

MORTON, *August 31, 1863.**

Memorandum for Major-General Lee.

* * * * * * *

While inspecting Colonel Logan's troops, to inquire into the truth of the report that after the recent action near Jackson, La., twenty-three prisoners (one white officer and twenty-two colored and negro privates) were put to death in cold blood and without form of law, and if it is true, to bring the culprits to trial.

* * * * * * *

J. E. JOHNSTON,
General.

Caleb Smith, major commanding Camp Lewis, wishes to know if paroled prisoners can guard Government property *in transitu.*

[Indorsement.]

AUGUST 31, 1863.

Respectfully returned to General Winder. Paroled men are not to discharge any military duty.

ROBERT OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 1, 1863.

Brig. Gen. A. SCHOEPF,
Commanding Fort Delaware, Del.:

GENERAL: I have the honor to inclose herewith a copy of a report made to the Surgeon-General by Medical Inspector Cuyler on the sanitary condition of the prisoners at Fort Delaware, in which he recommends several measures to be adopted to improve the condition of the prison, barracks, and the adjacent grounds, and these recommendations are approved by the Surgeon-General.† I respectfully refer the report to you to be carried out generally as far as you think necessary. I presume the expense will not be great, and can be paid out of the prison fund. It will not be advisable to reduce the number of bunks, because there may be times when the number of prisoners in our hands will make it necessary to fill up the barracks, even at the risk of being overcrowded. At this time the excess can be provided for by sending them

* For omitted portions, see Series I, Vol. XXX, Part IV, p. 573.
† See extract embodied in Barnes to Hammond, August 28, p. 235.

to Point Lookout, and if you will prepare rolls for 1,000 or 1,500, as you may think best, I will send the order for their transfer.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE PROVOST-MARSHAL, DIST. OF THE BORDER,
Kansas City, September 1, 1863.

Brig. Gen. T. EWING,
Commanding District of the Border:

GENERAL: I have the honor to report that up to this date there have been issued from this office orders of banishment against sixty-four persons, many of them heads of families, living in Kansas City and its vicinity and Independence and its vicinity. This list embraces a large proportion of the most dangerous. A number yet remain, a few of whom I will ask your consideration upon in a few days. I would most respectfully ask a reconsideration of the orders in the cases of Dr. B. M. Jewett, Mrs. Maria Gilham, and Nehemiah Holmes—the two former upon my own knowledge of the parties, the latter upon the representations of loyal citizens, who think the order was intended for his brother, Hezekiah, against whom an order has this day been issued. The latter I believe to be much the most obnoxious man. A large number have been placed upon a suspected list and orders will be given the detective force to keep them under close surveillance until additional evidence is obtained.

I am, general, very respectfully, your obedient servant,

R. T. VAN HORN,

Lieutenant-Colonel and Acting Provost-Marshal.

RICHMOND, VA., *September 1, 1863.*

Hon. THOMAS BRAGG, *Raleigh, N. C.:*

DEAR SIR: I have received your letter of the 10th ultimo relative to the unfortunate situation of Doctor Wright, of Norfolk, and would gladly do anything in my power to rescue him from an enemy regardless alike of the laws and customs of civilized people in their dealings with us. The doctor and his friends have my deepest sympathy. The case had already received my attention before your letter reached me, but I have been unable to devise any method which seemed likely to render him effective service.

With assurances of my friendly regard and esteem, I am, very respectfully and truly, yours,

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 1, 1863.

His Excellency M. L. BONHAM,
Governor of South Carolina, Charleston, S. C.:

SIR: Your letter of the 10th ultimo was submitted by me to the President with the following indorsement:*

After due deliberation the President returned the communication with these remarks:†

I submit these indorsements as expressing, more clearly than I might

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* See third indorsement, p. 194. † See fourth indorsement, p. 194.

otherwise be enabled to present them, our views on this important subject. I venture to recommend further, that the captured negroes be not brought to trial; or, if condemned, that your powers of executive clemency be exercised to suspend their execution, to allow the possibility of arrangement on this question, so fraught with present difficulty and future danger.

With high respect and regard, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 1, 1863.

His Excellency the PRESIDENT:

SIR: In answer to your indorsement of the 24th ultimo directing a "report upon the special case of ex-Mayor Monroe, and the general arrangements of the belligerents which bear upon it," I have the honor to submit the following report:

On the 11th of May last the following agreement, being paragraph 8 of Exchange Notice No. 5, was made between the Federal agent and myself, to wit:

> All civilians who have been arrested at any time before the 6th of May, 1863, and released on parole are discharged from any and every obligation contained in said parole. If any such person has taken any oath of allegiance to the United States, or given any bond, or if his release was accompanied with any other condition, he is discharged from the same.

Although the agreement upon its face refers to parties who were released on parole before its date, it was understood that the arrangement was to be a continuing one, and upon the publication of each exchange notice the same or a similar announcement would be made. Early in April last the Federal agent of exchange complained that a political prisoner named Wardener was compelled to give his parole before he was sent to City Point for delivery. In reply I wrote to him as follows:

> Our clear and indisputable understanding was that all civilians who should be released or had been released upon giving a parole or any obligation should be considered as absolved from that parole or obligation. It made no difference where the parties were delivered, or whether they had ever been in actual confinement even. It was a necessary incident to our agreement for the release of political prisoners. I have already acted upon this, and given notice that all civilians, whenever and wherever released, were discharged from any parole, or any obligation, or any oath into which they may have entered before their release or at the time they were released. The parole and oath of Wardener only operated until he was delivered to you at City Point.

This was written and accepted before the agreement of May 11, and serves to show the nature and meaning of the agreement made on that day. On the 12th of June, 1863, I wrote to the Federal agent of exchange substantially that if he desired to prevent the publication of paragraph 8 of Exchange Notice No. 5 to future cases he could so inform me. That he has not done or attempted to do. General Orders, No. 207, issued by the War Department at Washington, July 3, 1863, practically recognizes the doctrine that released non-combatants are discharged from the obligations of a parole given whilst in captivity. Paragraph 4 of that order is in these words:

> The obligations imposed by the general laws and usages of war upon the non-combatant inhabitants of a section of country passed over by an invading army cease when the military occupation ceases, and any pledge or parole given by such persons in regard to future service is null and of no effect.

A release is surely as operative as the retirement of an "invading army."

In addition to the foregoing, ex-Mayor Monroe was one of the political prisoners whom the Federal agent agreed to release unconditionally in common with all others in confinement at that time. He was the subject of correspondence between us, and I more than once demanded his release in pursuance of the agreement. In accordance with these views, I have given to ex-Mayor Monroe a paper, which I have officially signed, stating that he was released from the obligations of the parole given by him on the 1st of August, 1863.

Respectfully, your obedient servant.

RO. OULD,
Agent of Exchange.

OKOLONA, MISS., *September 1, 1863.*

Col. B. S. EWELL, *Assistant Adjutant-General:*

COLONEL: By request of General Ferguson I have to-day mailed you the Memphis Bulletin, giving an account of the execution of two men belonging to Captain Street's command after their capture by the enemy. The general remarked that he had written you on the subject, and wished me to forward the newspaper as an additional proof that the cold-blooded murder has actually occurred.

I have the honor to be, your most obedient servant,

M. MAGEVNEY, JR.,
Colonel, Commanding Rendezvous.

[First indorsement.]

HEADQUARTERS, *Morton, September 5, 1863.*

Respectfully referred to Major-General Lee.

By command of Lieutenant-General Hardee:

BENJ. S. EWELL,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS CAVALRY IN MISSISSIPPI,
Canton, September 16, 1863.

The paper alluded to never reached this office. The fact of the two men being murdered is well established and should be attended to. If the papers now in the possession of Colonel Ewell on this subject be sent me, I will make it the subject of a communication to the Federal commander at Memphis, if this is considered necessary. In my opinion retaliation is necessary.

S. D. LEE,
Major-General.

HEADQUARTERS DEPARTMENT TRANS-MISSISSIPPI,
Shreveport, La., September 1, 1863.

Maj. Gen. R. TAYLOR,
Commanding District of Louisiana, Alexandria, La.:

GENERAL: In reply to your communication of the 23d ultimo, inclosing correspondence between yourself and Major-General Banks, of the U. S. Army, I am instructed by the lieutenant-general commanding

to say he has not a copy of the cartel at hand, but his impression is it requires prisoners should be paroled and sent to Vicksburg, or City Point for exchanges. As the commanders of two contending armies, he suggests some arrangement be entered into between General Banks and yourself by which an understanding may exist between you in regard to prisoners captured by either army.

In regard to the two officers, Captain Allen and Lieutenant Page, referred to in the communication of General Banks, I have to inform you that those officers are not in irons, but are on the same footing as the other Federal officers who have been sent to Texas.

I am, general, very respectfully, your obedient servant,

S. S. ANDERSON,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, September 2, 1863.

Major-General TAYLOR,
Commanding Confederate Forces, Western Louisiana:

GENERAL: I have the honor to acknowledge the receipt of your letter of August 23, in reference to the release of prisoners of war from the parole given by them in consequence of the violation of the cartel of exchange. In order that you may understand fully the ground of my action in this case, I inclose to you copies of the general orders from the Adjutant-General's Office at Washington, all my own general orders relating to this subject, and a letter from the Commissary-General of Prisoners in regard to the prisoners of war captured at Gettysburg. These documents will explain fully the ground upon which my decision must rest.

You will readily see that you cannot apply to the paroled prisoners of Vicksburg and Port Hudson the same decision upon the same grounds. The prisoners of war captured at Port Hudson are paroled upon a distinct arrangement made between Major-General Gardner and myself, and all the papers relating to the parole were agreed to and signed by the respective commanders of the two armies. To show that the Government of the United States did not expect the Confederate Government to regard a parole given in contravention of the cartel of exchange, I may say that specific inquiry was made of me whether the parole of prisoners of war was made with the consent of Major-General Gardner, upon the supposition that if it was not so made the parole would not be regarded by the Confederate Government and the prisoners would be immediately placed in the army.

The prisoners of war referred to in your letter were not delivered at either of the points agreed on in the cartel of July, 1862, nor to any officer of the United States duly authorized to receive them, nor were they so delivered at a point mutually agreed upon between or by the consent, expressed or implied, of the commanders of the opposing armies. Their parole, being thus unauthorized, was declared void, in accordance with instructions from the War Department; in accordance with the notice given to the authorities of the United States by the C. S. commissioner of exchange, and in accordance with the action of General Lee after the battle of Gettysburg in returning to duty, upon the same ground, prisoners paroled by General Meade in the same manner and under similar circumstances. The prisoners taken by the United States were regularly paroled in accordance with the terms of the cartel, by special and written agreements between the

generals commanding the opposing forces, viz, between Generals Grant and Pemberton at Vicksburg and between Generals Banks and Gardner at Port Hudson. Their paroles were in every respect, in form and substance, in conformity to the agreement between the belligerents by which the subject is governed, viz, the cartel of July, 1862. It is proper to say in this connection that the paroles previously given by agreement between Generals Taylor and Weitzel, for example, in the case of the Diana, are regarded as valid, and that the paroles administered by the provost-marshals of the United States at Franklin, New Iberia, and Opelousas during our occupancy of the Teche country are, for the above reasons, to be treated as void. The United States makes, and has made, no complaints in regard to the Gettysburg prisoners, but accepts their case and the notice given by the Confederate Government as determining the practice in all cases and as requiring in every instance an exact conformity to the terms of the cartel of exchange.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 2, 1863.

Rev. JOHN M. KREBS, *Walden, N. Y.:*

SIR: Your letter of the 27th ultimo,* addressed to the Secretary of War, communicating an application from a chaplain of the rebel army to be permitted to attend the prisoners of war at the general hospital on Davids Island, has been referred to this office. It is not thought advisable to associate officers and enlisted men, prisoners of war, together, owing to the bad effect of their influence and example, and there is probably no class of officers whose influence is more powerful to keep up the spirits of the rebels than their chaplain. If they would confine themselves to their proper calling there would not be the least objection to their presence among the sick and wounded, but as this is not possible it would be very injurious policy to admit them in the hospitals, where they would scarcely preach that our cause is righteous or that they have engaged in the rebellion without a cause.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *September 2, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I send you the accompanying letter from Capt. W. C. Bird to the Confederate Secretary of War.

It is one of the many confirmations I have received of the breach of the cartel by the authorities of the United States prior to the recent difficulties about that instrument. It appears that you have even now in confinement officers who were declared exchanged more than six months ago. I am very sure you cannot find a case where any such line of conduct has been pursued by the Confederate States.

Will you do the tardy justice of releasing Lieutenant Blackwood and all others who have been declared exchanged?

In one of your communications to me you complained that certain recruits captured by our troops were retained as prisoners. We have

* Omitted.

at least never tried such before a court-martial, or sentenced them to hard labor during the war. I am willing to regard all such as prisoners of war and subjects of exchange. Will you agree to this? Will you deliver Captain Waller and his men, and all other recruits captured by your forces? If so, I will be happy to deliver all of the same class in our possession, the party having excess to have credit for the same.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure.]

SPOTSWOOD HOUSE, *Richmond, August 23, 1863.*

Honorable SECRETARY OF WAR:

SIR: I beg leave to make the following statement of facts:

That I was wounded at the battle of Perryville, Ky., and taken prisoner. I remained in Kentucky seven months; was then ordered on my parole to Fort Monroe, reporting at Cincinnati and Baltimore.

On reporting at Cincinnati I was ordered by General Burnside to Camp Chase. I there made another demand to be sent forward. The commandant of the camp, Major Webber, acknowledged I had been exchanged but declined to take any action in the matter. I was at Camp Chase about six weeks. I was then sent to Johnson's Island. I there made a third demand, each time stating the time of my capture and claiming to have been exchanged under the cartel of December, 1862. The commandant of Johnson's Island consulted the Secretary of War at Washington, and I was sent from the Island to City Point July 23 and reached the latter place August 20.

My case is one of many wounded officers and men captured at the same time I was, and others prior to that time are now at Johnson's Island and other prisons North.

Lieutenant Blackwood, of an Arkansas regiment, wounded at Perryville, and by no means recovered, is at Johnson's Island. There are a number of others whose names I have forgotten.

I would beg leave to call your attention particularly to the case of Capt. William Waller and others.

Captain Waller, by authority from General Morgan, went into Kentucky to recruit a company. He with twelve or fifteen recruits were captured at Maysville, Ky. They were court-martialed and Waller condemned to death, the recruits to hard labor during the war. The sentence of Waller was commuted and he is now at Johnson's Island in close confinement, and the recruits are there at hard labor.

I would also call your attention to the fact that all surgeons and chaplains of the Confederate States Government now in the hands of Federals are held as prisoners of war and treated as such. Sixty-five surgeons and twelve chaplains are now at Fort McHenry and have been informed by the Federal authorities they were considered and held as prisoners of war.

All of which I respectfully submit.

W. C. BIRD,
Captain Company C, First Florida Regiment.

RICHMOND, *September 2, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I bring to your notice the inclosed letter from a returned prisoner. You are aware that upon your request consent was given that money

and clothing might be sent to your prisoners. They have received everything which has been forwarded to them. You, however, can hardly expect that any such rule can be observed on our part when you do not permit money or clothing to be sent to our prisoners. I hope there may be some mistake about this matter. Will you make inquiry into it and let me know the facts?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure.]

RICHMOND, *August 28, 1863.*

I certify that I was taken prisoner at the battle of Gettysburg on the morning of the 3d of July last; that I was thence taken, via Westminster and Baltimore, to the military prison at Fort Delaware; that whilst there, in answer to a letter of mine requesting a small amount of money and clothing, I received a letter from my sister saying that my wants were to be supplied through Mr. N. F. Owens, a merchant of Baltimore. The next day I received a letter from Mr. Owens saying that my order had been filled and sent to Adams Express Company for transportation. When I inquired at the office of the sergeant or commissary of prisoners (the proper place for such an inquiry) I was informed that by order of general commanding prisoners thereafter would not be permitted to receive clothing or money.

The following day an order was published to the prisoners prohibiting them from writing for clothing or money, and they were frequently warned in my presence on depositing letters for transmission to their friends that if they contained requests for those articles they would be destroyed.

This order was in force when I left, July 30. Prisoners had prior to the refusal to me received clothing and money from their friends in Baltimore and other points.

The money sent me from home ($25, greenbacks) was handed me by General Schoepf a few moments before I left.

H. TILLARD SMITH,
Company A, First Battalion Maryland Infantry.

SPECIAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 208. } *Richmond, September 2, 1863.*

* * * * * * *

XVII. So much of paragraph VIII, Special Orders, No. 197, current series, as refers to the troops to be placed under the supervision of Lieut. Gen. W. J. Hardee is amended and the paroled prisoners from Missouri, Arkansas, and Texas are hereby included.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, Conn., September 3, 1863.

Hon. E. M. STANTON,
Secretary of War, Washington:

DEAR SIR: With this find a statement from highly respected citizens of Mystic River, Conn., respecting the capture of the bark Texana

with Capt. Thomas E. Wolfe and twelve others of his crew by the piratical steamer Boston, on the 10th of June last, near the mouth of the Mississippi. Captain Wolfe and most of his crew are loyal citizens of this State and are now confined as prisoners of war in Libby Prison at Richmond, Va. They were engaged in a lawful business on private account, and I would respectfully submit the question whether they are rightly held as prisoners of war, and if they are to request you to take measures to secure their exchange as soon as may be consistent with the interests of the service, and if not to ask if you cannot adopt some efficient measures to secure their early discharge.

I am, with high regard, your obedient servant,

WM. A. BUCKINGHAM,
Governor of Connecticut.

[First indorsement.]

WAR DEPARTMENT, *September 9, 1863.*

Respectfully referred to General Hitchcock, commissioner of exchanges.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

[Second indorsement.]

General Meredith will lay this case before Mr. Ould and communicate the answer, returning the papers.

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

[Third indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE OF PRISONERS,
Fort Monroe, Va., September 14, 1863.

Respectfully referred to Hon. R. Ould, agent of exchange.

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

[Fourth indorsement.]

RICHMOND, *September 15, 1863.*

Respectfully returned to Brigadier-General Meredith, agent of exchange.

I have already replied fully to this matter in my letter to General Meredith of August 1, 1863. I respectfully suggest that a reply to the proposition therein contained should have been given before a second reference of the same matter was made. The officer and crew of the Texana can be discharged on the release of those similarly situated in Federal prisons. The intimation of insufficient and bad food is false.

RO. OULD,
Agent of Exchange.

[Inclosure.]

MYSTIC RIVER, CONN., *August 18, 1863.*

His Excellency WILLIAM A. BUCKINGHAM,
Governor of the State of Connecticut:

DEAR SIR: We, the undersigned inhabitants of the towns of Groton and Stonington, beg leave to submit and respectfully ask your attention to the following statement:

On the 10th day of June last the American bark Texana, commanded by Capt. Thomas E. Wolfe, was captured, together with her crew, thir-

teen all told, while on a voyage from New York to New Orleans, with a cargo of merchandise on private citizens' account, and burned, some twenty miles from the Balize, near the mouth of the Mississippi River. The captor was the steamer Boston, under the command of one James Duke, assisted by fifteen others. She (the Boston) had been captured the day before by this same crew. The pilot of the Texana was allowed to go free; but the captain and crew were sent to Mobile and thence, as it appears from a letter received from the mate, Mr. Sawyer, dated June 26, to the Libby Prison in Richmond.

We would therefore respectfully ask that you would use your influence, official and personal, so far as is consistent with the public good, that these men may be paroled, exchanged, or otherwise relieved from their present confinement.

CHAS. MALLORY.
[And nine others.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, September 3, 1863.

Maj. Gen. RICHARD TAYLOR,
Commanding Confederate Forces, Western Louisiana:

GENERAL: I have the honor to acknowledge the receipt of your letter referring to the arrest of citizens between Opelousas and Alexandria immediately after the murder of Capt. Howard Dwight, an officer of my staff. The operations in which I was then engaged and the subsequent release of the citizens arrested under that order have occasioned delay in responding to your inquiry.

I directed the release of the citizens arrested in pursuance of this order, first, because they had not received previous notice of my determination in such cases, and second, because at the time of the release they had suffered sufficiently to make known to the people of the community in which they lived the consequences of such crimes as that to which the order referred. I desire to say to you that I shall act upon the principles stated in my order, a copy of which I believe was sent to you, whenever such occurrences as that to which it relates shall be repeated. It is in accordance not only with the principles of justice, but with the usages of civilized warfare. I need not refer you to instances of this character that have occurred in the campaigns of the ablest generals of Europe. I appreciate fully, general, the justice of the sentiment you express in your note in regard to the course to be pursued in the unhappy contest in which we are engaged, but they do not apply to the case of Captain Dwight. There is no officer more earnestly desirous of ameliorating the severities of war than myself, but I believe that the recognition of just principles of punishment, in cases deserving it, and making that determination public, will be among the most effective methods of restraining men to lines of conduct which they can consistently and honorably pursue. It was for this purpose that my order was issued and executed. I respect the rights of men engaged in war, because they are responsible for their acts, and whenever any man falls in battle or is captured I am desirous of extending to him to the utmost of my power every assistance he can require. It is because as a soldier he is bound to perform the duties of a soldier, and he ought to suffer only the legitimate consequence of his acts. But men who abandon the ranks of their army, lagging behind upon plantations, in villages and towns, throwing off the equipments and customs of a soldier, have no right to the immunities of soldiers if they assume to exercise his power of wounding or killing those whom

they assume to be enemies. Such acts are not legitimate acts of war, and can only be considered and punished if attended with fatal consequences, as assassinations.

On my march through the Teche country I passed hundreds of men in the different villages and towns arrayed as citizens, disclaiming to have belonged to the army, or to have arms in this contest, whom I had every reason to believe had but recently been soldiers. I allowed them to remain where I found them, upon their own protestations, enjoying undisturbed the peaceful rights of citizens—such substantially was the case of the men who murdered Captain Dwight. They had abandoned the army to which they belonged, they had suffered my columns to pass them, secreting themselves in the houses or on the plantations upon the line of the road that we had passed, professing not to be soldiers, but assuming to be peaceful citizens, and receiving protection. After the army had passed, when a single officer upon the trail of his command follows his columns, these men take to their arms again and deliberately murder him.

The facts in this case, I have every reason to believe, are not as they are represented to you. These three men challenged an officer unattended except by a body servant, both unarmed. Perceiving that his challengers were armed, he halted, both unarmed; upon their demand he surrendered. The bayou running between them made it impossible for them to capture him when so many of our troops were on the road, both in the front and rear, and to prevent his escape, whom they could not capture according to the rules of war, knowing him to be unarmed, and after his surrender to them as a prisoner of war, they deliberately murdered him. It is the same as if a soldier, unable to capture a wounded prisoner in order to secure possession, otherwise impossible, should murder him. In other words, being unable to execute their assumed right of capture, they committed the crime of assassination. I need not say to you, because it is no part of the case you are to consider, that Captain Dwight was one of the most upright and exemplary young men of his country. Never, in a single instance in his short but brilliant career, had he failed to recognize what was due from a high-toned and heroic officer. On our march to Opelousas and while in occupation of that town he exerted himself to the utmost to restrain lawless men from infringement upon the personal rights or the appropriation to their own uses of the property of citizens of that town, and contributed much to bring to the punishment of death men who had violated alike the laws of war and of property. His name and character were without blemish. The man does not live that can charge upon him the commission of a dishonorable act or the omission of any duty imposed upon him by the laws of humanity or of honor. It is deeply to be regretted that such a man should lose his life under such circumstances, but it illustrated too strongly the conduct of the troops in that and other campaigns to allow it to pass without permanent correction, and if the sacrifice of his life shall result in suffering so flagrant an abuse of the rules of war and establish a different system of conduct, he will have achieved as great a good as other men accomplish in the longest life. His career will have closed with the evidence of his untiring efforts to restrain lawless men from the commission of crimes, and the sacrifice of his life will illustrate the open and flagrant disregard of these principles by the men in arms against his country.

I know, very well, general, as you say, that the citizens living upon the line of march cannot be said to have been active parties to this act, and are not liable to punishment as principals in the transaction; but

it cannot be denied that the three men who committed this murder had been housed, protected, secreted, clothed, and fed during the night preceding and the day of the murder; that they had received information from the people living on the line of march of the approach and passage of our troops, and, knowing that the way was clear, they stealthily appeared in arms upon the approach of a single unarmed officer. It ought to be said to these people and to all people, whether in arms or not, that if they protect, secrete, encourage, assist, feed, and clothe men who abandon the army on its march for the assassination of stragglers who may fall behind the columns, that they must suffer the consequences of such acts. This is in accordance with the principles of justice and of war, and I need not say to you, general, that I will enforce them so far as I am connected with this service, both against the people who assume to be friends as against those who oppose the Government I serve; satisfied that this, if it can be effectually done, will put an end to one of the most infamous and barbarous practices of uncivilized war. I repeat, I appreciate the importance and justice of the sentiments embodied in your letter, but respectfully submit that they do not apply to the case in question.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

OFFICE PROVOST-MARSHAL,
Fort McHenry, September 3, 1863.

Bvt. Brig. Gen. W. W. MORRIS, U. S. Army,
Fort McHenry, Md.:

GENERAL: In accordance with an order from headquarters Second Separate Brigade, I have the honor to report that until I received the report of Medical Inspector George Suckley, U. S. Volunteers,* I was wholly ignorant of any inspection having been made of the building used as a prison house at this post, as were all connected with this department. Could I have had the honor of explaining to Surgeon Suckley, I could undoubtedly have convinced him that, under the circumstances, it was an utter impossibility to keep the prison in a state of cleanliness.

I would most respectfully call your attention to the fact that the building referred to was formerly used as a stable; that the only alterations made since its use as a prison have been in throwing up some board partitions; that even the old stalls still remain, and that at the outside it ought not to receive more than 300 prisoners. I would also respectfully state that during my term of service I have had almost constantly on hand over 600 prisoners, over 500 of whom I have had to confine in this stable and the small inclosure around it, making it an impossibility, where men of all classes are thus huddled together, to keep it in a proper condition.

I would also call your attention to the repairs and alterations now being made in this building through your influence, of the new barracks now being erected by order of the Commissary-General of Prisoners, showing his opinion of the necessity of better accommodation for the number of prisoners confined here.

I would most respectfully call your attention to the report of Lieutenant-Colonel Murray, commanding post, in his monthly inspection, accompanied by the post adjutant, former provost-marshal.

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* See p. 240.

Feeling, general, that I have worked faithfully and hard since my appointment to this post, and done all possible under the circumstances for the comfort and benefit of prisoners, and knowing that in a short time, with the means now at my disposal, I can place the building in such a condition as to seek myself an inspection from the medical director,

I have the honor to be, very respectfully, your obedient servant,

E. W. ANDREWS, JR.,

Lieut., Fifth New York Volunteer Artillery, and Provost-Marshal.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 3, 1863.

Maj. Gen. GEORGE G. MEADE,
Commanding Army of the Potomac:

GENERAL: I am instructed by the Secretary of War to say that hereafter deserters from the rebel army found within the limits of your command will be disposed of primarily at your discretion. If discharged on taking the oath of allegiance or on other terms a descriptive list of each case will be preserved at your headquarters and a copy transmitted to this office as a means of detecting any violation of the condition of the discharge.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

(Same to General Cadwalader, Philadelphia, with slight verbal changes; General Heintzelman, Defenses of Washington.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 3, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: There are a number of citizens on parole in various parts of the country whose exchange should be covered by a declaration similar to that made by Mr. Ould, section 8 of declaration No. 5, with the limitations indicated in my letter to Colonel Ludlow of June 17, 1863. Please refer to Colonel Ludlow's letter to me of June 19, 1863, in which he proposes to make the necessary correction in the next declaration, and also to his letter of June 10. I have several applications for exchange of civilians before me, but as the above will cover all cases I do not refer to them.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 3, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: Your letter of the 26th asking for information as to the probable number who will be held at the depot is received. There is not at this time any prospect of any further deliveries of prisoners on

parole, and you may therefore expect that as many will be sent to the island as the barracks can accommodate, and you will immediately take steps to obtain such a supply of all necessary stores as will meet all demands during the winter, making due allowance for the time when the crossing may be interrupted by insecure ice.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., September 3, 1863.

Lieut. Col. JAMES OAKES, U. S. Army,
Acting Assistant Provost-Marshal-General, Springfield, Ill..

COLONEL: I am directed by the Provost-Marshal-General to acknowledge the receipt of your communication of the 26th ultimo, inclosing letter from C. P. Robinson asking to be detailed with 100 other paroled men from Benton Barracks, Mo., to assist in enforcing the draft in Illinois, requesting that their services be obtained, if possible. In reply I am instructed to say that the papers were referred to Col. William Hoffman, Commissary-General of Prisoners, and returned with the following indorsement:

OFFICE COMMISSARY-GENERAL OF PRISONERS,
September 2, 1863.

Soldiers on parole cannot, without violating it, be employed in enforcing the draft. Respectfully returned.

WILLIAM HOFFMAN,
Commissary-General of Prisoners.

I am, colonel, very respectfully, your obedient servant,

HENRY STONE,
Assistant Adjutant-General.

GENERAL ORDERS, No. 144. HDQRS. DEPARTMENT OF THE OHIO,
Cincinnati, Ohio, September 3, 1863.

I. From and after this date no permits whatever will be granted to visit the prisoners confined in the various military prisons of this department, excepting from these headquarters, from Brig. Gen. N. C. McLean, provost marshal-general, or the commanders of the different districts in which said military prisons are located; and in no case will such permits be given to any citizens without their first taking the oath of allegiance.

II. A reasonable amount of underclothing will be allowed to be sent to the prisoners by their friends; and such outside clothing (of a gray color) as in the judgment of the officer commanding the prison may be absolutely necessary.

By command of Major-General Burnside:

W. P. ANDERSON,
Assistant Adjutant-General.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE OHIO,
Cincinnati, September 26, 1863.

Respectfully referred to Colonel Hoffman, U. S. Army, Commissary-General of Prisoners, who will please indorse hereon what modifications,

if any, this order requires to make it conform to instructions or orders from office of the Commissary-General of Prisoners.

A. E. BURNSIDE,
Major-General, Commanding.
By W. P. ANDERSON,
Assistant Adjutant-General.

HEADQUARTERS CAVALRY BRIGADE,
Near Crystal Springs, September 3, 1863.

Col. B. S. EWELL, *Assistant Adjutant-General:*

COLONEL: In obedience to instructions I submit the following report in reference to the hanging and shooting of Federal prisoners and negroes in arms captured at Jackson, La., on the 3d ultimo:

Several negroes were captured at that place and turned over to a guard from Colonel Griffith's Arkansas regiment mounted infantry. I was in front of the command when a report came to me that Colonels Griffith and Powers had marched the negroes forward before the command left camp at Centerville, and supposing they had taken the wrong road I sent a staff officer to turn them back, who came back to me and reported that they said they would join the command via near route in advance of Centerville. After some time these officers came up and brought no negroes. I immediately demanded "what disposition had been made of them," when they reported in substance what is stated in their inclosed reports. Other reports came saying they had been sent to Mobile, &c. I rebuked Colonels Powers and Griffith severely for making any disposition of them without my orders.

My own opinion is that the negroes were summarily disposed of, by whom I cannot say, as all deny any other statements, except the inclosed letters of Colonels Powers and Griffith. I do not know that any Federal officers or soldiers were missing.

The whole transaction was contrary to my wishes and against my own consent. In regard to the hanging of negroes captured after the fight, I can only submit the inclosed communication* from Brigadier-General Andrews, U. S. Army, and my reply,* which fully explains my position, and which I presume is a final terminus to the affair.

I am, colonel, very respectfully, your obedient servant,
JNO. L. LOGAN,
Commanding Brigade.

[Indorsement.]

HEADQUARTERS CAVALRY IN MISSISSIPPI,
Canton, September 17, 1863.

Respectfully forwarded.

Do not consider it to the interest of the service that this matter be further investigated at present, as a court of inquiry or court-martial will afford the only means of gaining correct information.

S. D. LEE,
Major-General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS,
Near Crystal Springs, Miss., September 2, 1863.

Col. JOHN GRIFFITH,
Commanding Regiment Arkansas Infantry:

COLONEL: Inclosed find an order from General Johnston, which I am directed by Colonel Logan to forward to you, it having been rumored

*See Andrews to Logan, August 5, p. 177, and Logan to Andrews, August 8, p. 189.

in camps that your command captured and hung or shot certain Federal prisoners and negroes in arms at Jackson, La., on the 3d ultimo.

Colonel Logan directs that you make a full report of all the facts attendant upon this matter and forward the same in writing without delay to these headquarters.

I am, colonel, very respectfully, your obedient servant,

NED WARREN,
Assistant Adjutant-General.

(Same to Col. Frank Powers, chief of cavalry.)

[Inclosure No. 2.]

HEADQUARTERS CONSOLIDATED REGIMENT,
September 2, 1863.

Colonel LOGAN, *Commanding Brigade:*

COLONEL: In reply to your note just received and herewith inclosed I would say that a squad of negroes was captured on or about the 3d of August at Jackson, La. When the command started back the negroes, under guard, were ordered on in advance of the command, and learning that the guard had taken the wrong road, Colonel Powers and myself rode on in advance to put them in the proper route for camp. About the time we were reaching them, or shortly before, four of the negroes attempted to escape. They were immediately fired into by the guard. This created some excitement and a general stampede among them, all attempting to effect their escape, whereupon the firing became general upon them from the guard, and few, I think, succeeded in making good their escape. There were no Federal prisoners among them, having been separated the night previous. No further particulars remembered.

I am, colonel, very respectfully, your obedient servant,

JOHN GRIFFITH,
Colonel, Commanding Regiment.

[Inclosure No. 3.]

HEADQUARTERS CAVALRY COMMAND,
September 2, 1863.

JOHN L. LOGAN, *Colonel, Commanding:*

COLONEL: In compliance with the inclosed order I would say a squad of negroes (in arms) were captured at Jackson, La.

The morning after the affair at Jackson, Colonel Griffith and myself ordered the negroes several hours in advance of the command, so as to arrive in camp at the proper time. Finding the guard took the wrong road, myself and Colonel Griffith rode in advance of the command so as to notify them of the fact and order them back. On the route back four of the negroes attempted to escape. I ordered the guard to shoot them down. In the confusion the other negroes attempted to escape likewise. I then ordered every one shot, and with my six-shooter assisted in the execution of the order. I believe few escaped, most of them being killed instantly.

There were not any Federal prisoners with the negroes.

I am, colonel, yours, respectfully,

FRANK POWERS,
Colonel and Chief of Cavalry.

SAINT LOUIS, *September 4, 1863.*

Colonel KINCAID, *Alton, Ill.:*

Use extra vigilance about guarding the prison at night, as we have grounds for supposing that efforts may be made from without to rescue the prisoners.

JAS. O. BROADHEAD,
Provost-Marshal-General.

WASHINGTON, *September 5, 1863.*

General MEREDITH:

You are authorized to offer in exchange for General Graham any one of the brigadier-generals paroled by General Grant and now in the South. You will not offer any officer now held as a prisoner of war in the North.

E. A. HITCHCOCK,
Brigadier-General of Volunteers, &c.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 5, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Yours of the 3d instant is received. I do not know of any special cases of exchange of civilians. I inclose for your approval a declaration of exchange in accordance with section 8 of declaration No. 5, by the rebel agent, with the limitations indicated in yours of June 17, 1863, to Lieutenant-Colonel Ludlow. I shall await your decision on this before notifying the rebel authorities.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

P. S.—I have included sutlers, as the rebels have done.

[Inclosure.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., September 5, 1863.

All civilians and sutlers who have been arrested by the Confederate authorities at any time before September 1, 1863, and who have been received at City Point or at other places across our lines, are hereby discharged from any and every obligation contained in any parole they may have given to the enemy.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 5, 1863.

Brig. Gen. JOHN S. MASON, *Commanding, Columbus, Ohio:*

GENERAL: I have the honor to inclose herewith rolls* of the paroled prisoners of war recently arrived at Camp Chase, whose paroles

* Omitted.

being dated after the 22d of May, and they not having been delivered at a place designated in the cartel, are not valid, and these men should therefore, under the orders of the War Department heretofore issued, be ordered to their regiments. Those named on the rolls who were captured at Gettysburg must be deserters from their regiments, as all who were paroled at that place were soon after ordered to join their regiments, which order these men, it would appear, failed to obey. I would respectfully suggest that all soldiers reporting at Camp Chase under paroles which are not valid be not reported among the paroled troops, but ordered to duty at once, to be sent to their regiments by the first opportunity.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF WEST VIRGINIA,
Dublin, September 5, 1863.

Col. W. H. POWELL, U. S. Army:

COLONEL: In reply to your communication of August 29 the major-general commanding directs me to say that you are not in close confinement by his order. Two charges alleged against you were communicated to the War Department, with the suggestion that they be investigated before you were exchanged. One of the charges was for shooting a Confederate prisoner deliberately. This charge was made by one of your own men, who was taken prisoner on the Wytheville raid, and who volunteered the information. He says he saw you commit the murder. The other charge was burning the houses and barns of Messrs. Handley and Feamster, near Lewisburg, on or about the night of the 9th or 10th of January last, in violation of all law, civil and military. Mr. Handley's house was set on fire when his wife and children were in bed asleep, and they just had time to escape without shoes or proper clothing, on a very cold night. If you can show that these acts were not committed by you or your authority, or if committed by you when acting under orders, the authorities will no doubt place you on a footing with other prisoners. Any communication you desire to make to General Scammon or other officers, to procure the necessary proof, will, if forwarded to these headquarters, be forwarded by flag of truce.

Respectfully, &c.,

W. B. MYERS,
Major and Assistant Adjutant-General.

[Indorsement.]

LIBBY PRISON, *Richmond, Va., September 30, 1863.*

In answer to the within charges I respectfully reply as follows, to wit: The charge of shooting the Confederate soldier is, as I suppose, based upon the fact of my having shot a Confederate soldier in a regular cavalry charge, made by me on the 7th of January, 1862, in obedience to an order from Col. William M. Bolles, Second Regiment West Virginia Volunteer Cavalry, U. S. Army, who was then commanding said regiment and present at the time the charge was made and the man shot, a written statement of which, containing the facts in the case, is now in the hands of the Secretary of War, United States of America, furnished by said Col. W. M. Bolles.

The second charge, to wit, that of burning the houses and barns of Messrs. Handley and Feamster, was done by an order issued by Brig. Gen. George Crook, U. S. Army, to J. C. Paxton, colonel commanding Second Regiment West Virginia Volunteer Cavalry, U. S. Army, and transmitted to me by Colonel Paxton. Said property was fired by my order about the time referred to, after a notice of twenty minutes had expired, and assistance rendered to clear the house. The object in firing said property was to draw two regiments of U. S. troops, then in and near Centerville, Monroe County, W. Va., to Lewisburg, in Greenbrier County, to clear the road for the movement of a detachment of the Second West Virginia Cavalry, under command of said Colonel Paxton, who was under orders to proceed to the Tennessee and Virginia Railroad to destroy the railroad bridge across New River, said detachment being compelled to pass through Centerville en route for said bridge, which point could not have been passed until after said demonstration was made on Lewisburg, or in its direction, to draw said troops from said point.

Yours, very respectfully,

W. H. POWELL,
Colonel Second Regiment West Virginia Vol. Cavalry, U. S. Army.

U. S. MILITARY PRISON HOSPITAL,
Richmond, Va., September 5, 1863.

Brig. Gen. J. H. WINDER,
Commanding Department of Henrico:

SIR: In obedience to your order I have the honor to submit the following report of the sanitary condition of the Libby Prison and hospital:

The buildings used for the above purposes, situate at the corner of Cary and Twentieth streets, are admirably adapted to the purposes for which they are now used.

The prevailing wind (south), unobstructed by adjacent buildings, secures thorough ventilation.

The strict attention paid to cleanliness has secured an entire exemption from typhus or jail fever, not a single case having occurred since I have been in charge (January 20).

During the past quarter thirteen cases of scurvy have been admitted into the hospital.

Of smallpox only five cases have occurred.

Contrary to my advice an assistant surgeon of the Federal Army vaccinated a number of the officers with pus (not lymph) taken from the arm of another assistant surgeon (also a prisoner), producing a spurious form of vaccination from which a number are now suffering. This virus had probably passed through a system affected with secondary syphilis.

Typhoid fever is of rare occurrence, but two cases having been admitted during the last month.

Dysentery and diarrhea have been the prevailing diseases for the last three months. The cases have been mild in character and have yielded readily to treatment.

The floors of the hospital are scrubbed once daily; swept thrice and oftener if required.

Strict attention is paid to the washing and ironing of clothing and ventilation of hospital.

Bathrooms and water-closets are attached to each floor.

The latter are on the outside of the building and are kept scrupulously clean.

Medicines and instruments of the finest quality are furnished by the medical purveyor of the C. S. Army.

Diet abundant and usually of good quality; is well cooked and generally is in excess.

I purchase any delicacy for special cases that may be required.

In my opinion fewer cases of scurvy have occurred in this prison than would have occurred among the same number of men subjected to the privations of camp life, and I believe the disease could be entirely prevented by the issuing of one ration daily of fresh vegetables.

Added to this report will be found a report of the number of cases treated for the last three months, and list of mortality.

One hundred patients is rather under the average of cases treated daily in prison quarters and on Belle Isle whose names are not recorded and who do require hospital treatment.

Number of cases treated in the hospital during the month of June, 1863	170
Cases of scurvy	1
Deaths	14
Cases treated in July	233
Cases of scurvy	1
Deaths	12
Cases treated in August	247
Cases of scurvy	11
Deaths	6

Respectfully submitted.

JOHN WILKINS,
Surgeon of Libby Prison Post.

U. S. GENERAL HOSPITAL,
Gettysburg, Pa., September 6, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

The prisoners of war in this hospital are those remaining wounded prisoners, the severity of whose wounds have prevented their removal to other hospitals. At the date of inspection 594 wounded prisoners were remaining and 109 attendants, also prisoners. Seven surgeons who were with them when captured still remain on duty and are generally useful. The surgeon in charge informed me that he had use for them all, as contract physicians would have to be employed in their place. There are about the same number of U. S. soldiers in this hospital and the patients have been separated as far as practicable. It is a large camp hospital and the patients all fare alike and are well cared for in every way. The camp is in excellent condition and kept in good police; the kitchen well organized and food of excellent quality and well prepared is furnished to the patients. The professional attendance is ample and of good quality. The prisoners are very cheerful and well contented with their present condition. The present guard consists of one captain, one lieutenant, and fifty-six privates. It is very inefficient. Pants, shirts, and socks are needed. A sufficient supply of hospital clothing remains on hand. Have a sutler who is taxed for the benefit of the hospital. The general instructions furnished by the Commissary-General of Prisoners have been adhered to. In my opinion this hospital can be broken up in a month hence, as all the patients then remaining will be able to be transferred by that time to permanent hospitals.

C. H. CRANE,
Surgeon, U. S. Army, late Medical Inspector Prisoners of War.

OFFICE PROVOST-MARSHAL-GENERAL,
Saint Louis, September 6, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington:

COLONEL: I have the honor to inform you that in obedience to your letter of August 13, I made a personal inspection of the Gratiot and Myrtle streets prisons, also the hospitals attached, and ordered the quartermaster to make such repairs and alterations as were recommended in your letter. As to the matter of providing more vegetable food for the prisoners in the hospital, I was informed by the surgeon in charge that the deficiency had already been remedied to the satisfaction of the medical inspector. As soon as the repairs are finished I will send you a copy of the quartermaster's report.

I am, colonel, very respectfully, your obedient servant,
JAS. O. BROADHEAD,
Lieutenant-Colonel and Provost-Marshal-General.

SPECIAL ORDERS, }
No. —. }

C. S. MILITARY PRISON,
Richmond, September 6, 1863.

Under no circumstances is punishment of any kind to be inflicted on prisoners of war except by express direction from the officer commanding, and then the manner of punishment must be prescribed by him.

By order of Brigadier-General Winder:
THOS. P. TURNER,
Captain, Commanding, &c.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
September 7, 1863.

Maj. Gen. N. P. BANKS,
Commanding U. S. Forces, Southern Louisiana:

GENERAL: In reply to your communication of the 18th August relative to prisoners Captain Allen and Lieutenant Page, of the U. S. Army, I have the honor to inform you that the statement that these officers are held in "close confinement and in irons" is incorrect and without foundation.

These prisoners are no longer under my control, and although confident that your information was incorrect, it was necessary to ascertain the fact definitely to communicate with the lieutenant-general commanding the department, hence the delay which has arisen in replying to your communication.

I have the honor to be, with great respect, &c.,
R. TAYLOR,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 7, 1863.

Hon. DAVID TOD, *Governor of Ohio, Columbus, Ohio:*

SIR: The attention of the rebel authorities at Richmond has been called to the case of Col. W. H. Powell, Second West Virginia Cavalry, reported to have been placed in a dark, damp cell, alone, &c., and I learn from General Meredith, commissioner for exchange of prisoners, that in reply the charges are pronounced to be utterly false. The above

facts have been communicated to your military State agent, J. C. Wetmore, who has doubtless informed Your Excellency of them.

The matter of the removal of Camp Chase to a new site was laid before the Secretary of War by the Quartermaster-General at the time I telegraphed to you, and I have mentioned it since, but as yet I believe no action has been taken.

I have been unable to forward the letter you inclosed to me some time since for Captain Ferguson, because it is addressed to no place, and without something more definite is given than the number of the regiment to which he belongs the post-office people will scarcely take the trouble to forward it.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 7, 1863.

Lieut. Col. J. O. BROADHEAD,
Provost-Marshal, Saint Louis, Mo.:

COLONEL: Your letter of the 30th in relation to the disposal of prisoners is received, and in reply I have to direct that whenever you have more prisoners to dispose of than can be provided for in Saint Louis or at Alton you will please report to me and I will direct to what place they shall be ordered. There should be at no time more than 1,000 prisoners at the Alton prison.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

MILITARY PRISON, *Alton, Ill., September 7, 1863.*

Major-General SCHOFIELD,
Commanding Department of the Missouri, Saint Louis:

GENERAL: I would respectfully represent that there are some eight or ten rebel officers now in this prison, including Jeff. Thompson; that there is no way to prevent the great body of the prisoners from associating with them unless they are placed in close confinement. They have a powerful influence over the mass of rebel prisoners with whom they necessarily mix. They may make a concerted attack on the guard under their directions. I would respectfully suggest whether it would not be best to have them taken to Johnson's Island, as this can now be done without danger of carrying the smallpox with them.

I am, colonel, very respectfully, your obedient servant,

G. W. KINCAID,
Colonel, Commanding Prison.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 7, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I confess my great astonishment in not receiving one word from you in reference to the very grave and important matters which were

the subjects of discussion between us in our interview at City Point. That interview took place two weeks ago. You stated that you were not prepared to accept or reject the proposition which I then made, but that you would immediately inform your Government of its nature and give me a speedy answer in person or by letter. Though two boats have been dispatched from Fort Monroe to City Point, and two weeks have elapsed since our meeting, no reference or allusion to the subjects of controversy has been made by you. At our interview you told me, in answer to my urgent request, that there should be no delay; that not more than a week would elapse before you would be prepared with your answer. Under these circumstances, if you were not ready, every consideration would seem to demand that some excuse should be furnished or the delay explained. As, however, you do not refer to the matter at all, I am left only to draw the conclusion that you do not intend to give an answer to my proposition. I therefore inform you that the Confederate authorities will consider themselves entirely at liberty to pursue any course with reference to my written proposition to you which they may deem right and proper under all the circumstances of the case.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *September 7, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I respectfully decline your proposition to exchange Brig. Gen. Charles K. Graham for Brig. Gen. M. L. Smith. You seem to be laboring under some strange mistake in this matter. The last-named officer has already been exchanged and you have received the equivalents. I so notified your predecessor on the 13th of last July. The flag-of-truce boat will not be "detained at City Point for General Graham."

Even if Brigadier-General Smith had not been exchanged, I should not be disposed to favor the proposal of an exchange of an officer in captivity for one released on parole when you have several officers of the same grade in confinement. The offer is so extraordinary in all of its aspects that I hope I do not transgress the bounds of propriety in stating that you knew it would be and ought to be rejected in consequence of its manifest inequality.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 7, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Will you agree to furnish a list of all the officers whom you have in confinement in your different prisons if I do the same as to yours in confinement at the South? It will save us a great deal of trouble and enable us to give much satisfaction to our respective people. As it is now when any inquiry is made of either of us it has to be referred to the other. Considerable delay takes place before the information is obtained, and when it does come it is not always reliable. In two or three cases of papers received from you to-day where Colonel

Hoffman makes the indorsement "No record" the friends and relatives have received letters from the parties stating where they were.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, September 7, 1863.

Col. A. D. STREIGHT, U. S. Army, *Present:*

COLONEL: A reply to your communication of August 31, 1863, to the honorable Secretary of War, Confederate States of America, has been withheld for the remarks of Robert Ould, esq., commissioner of exchange.

Your statement has been submitted to Mr. Ould, and I herewith inclose his reply. In addition to the facts stated by Mr. Ould we have official information of cruel treatment of Confederate prisoners confined at Fort Delaware and Point Lookout that surpasses in enormity the horrible outrages detailed by him. At the first-named post Confederate prisoners are prevented from receiving either supplies or money from their friends. At the latter place our prisoners are required to perform hard labor, and in case of refusal are tied up by the thumbs and otherwise cruelly treated. These known facts, corroborated as they are by those set forth in the inclosed printed statement taken from your own printed papers, cannot fail to convince you that a system of treatment has been inaugurated by the United States Government to Confederate prisoners infinitely worse, more inhuman, uncivilized, and barbarous than any to which you and the officers confined with you have been subjected.

With reference to the seizure of moneys found upon your person, permit me to call your attention to my letter upon that subject, bearing date June 10, 1863, wherein the following language is used:

> Your own Government has, in orders published to the world, declared that any unusual quantity of money found on the person of those captured should be considered as public property, and as such should be taken possession of for the use of the United States.

This rule applies to your case, and under it the money found in your possession will be turned over to the Confederate States as public property. Your communication to General Forrest has been communicated to him, but no answer has been received, and I see no reason at present to change my views as above expressed.

Relative to the charge contained in your communication of the rations furnished you "being insufficient to sustain life," &c., I would state that the question is now under examination, and any misapplication of your rations or mismanagement in the manner in which they are furnished will be corrected.

Very respectfully,

JNO. H. WINDER,
Brigadier-General.

[Inclosure.]

RICHMOND, VA., *September 3, 1863.*

Brig. Gen. JOHN H. WINDER:

SIR: As to Colonel Streight's complaint about want of room, I beg to state that full and satisfactory evidence was presented to me that as many as fifteen of our officers were confined at Fort Norfolk in a room

about fifteen feet square, with no window, but only a simple slit in the wall; that they were not allowed to go out of that room at all, but were compelled to perform the operations of nature there in a tub, which was only removed once in twenty-four hours. Scarcely a day passes that I do not receive accounts of inhumanity and barbarity practiced upon our prisoners at the North, and especially at Fort Delaware and Point Lookout. At the latter place they are compelled to perform all kinds of work, and if they refuse they are mercilessly punished. I saw a man a few days ago who had received brutal punishment for refusing to work. Our officers and citizens are often compelled to do regularly the most disgusting and filthy labor, such as cleaning prison ships, privies, &c. A ball and chain for them is a common thing. I have also received many complaints as to the quantity and quality of provisions furnished to our men. It is a very common thing to take away their money and never return it; in some instances they take away good money and return counterfeit.

No man is more opposed to the harsh treatment of prisoners than I am. I think it very questionable if retaliation should ever be allowed to take that form.

Although our own people have been subjected to the indignities and outrages I have named, I am opposed to overcrowding or semi-starving the men who have invaded our land for the purpose of subjugation. I think that Colonel Streight must have exaggerated the matter very much. Even if he has not, we have more than a precedent in the treatment of our prisoners by our enemies. I have no doubt you will make due inquiry into the subject and correct any abuses which may exist.

Colonel Streight can at least congratulate himself in one respect—he has not been shaved and dressed in convict's clothes. The Federals have so treated General Morgan and his officers, who are alleged to be held as hostages for Colonel Streight and his command. I have official evidence in my possession which I can furnish to Colonel Streight that General Morgan and his officers have been so treated. To what baseness and inhumanity would not an enemy descend who could so causelessly inflict such an indignity upon a brave and gallant gentleman? "Semi-starvation" is nothing to it. I have been told by persons whom I know to be truthful gentlemen that they have been compelled to go a whole day without any food.

As to the refusal to allow Colonel Streight to appropriate money for purchases, I beg leave to state that a recent order emanating from Federal authority prevents our prisoners from receiving food or clothing from their friends.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 8, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Your letter of the 5th instant, with the accompanying declaration of exchange of civilians, is received. I would respectfully suggest that the time covered by this declaration should be limited to the date fixed in eighth section of Mr. Ould's declaration of May 11, viz, May 6, 1863, as it is intended only to supply an omission in our

declaration of May 9, the first section of which covers only citizens delivered at City Point. Whether it will be proper to include sutlers depends upon the understanding between Colonel Ludlow and Mr. Ould at the time the declaration was made.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE GULF,
Mobile, Ala., September 8, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: I have the honor to inclose a report and the papers in the case of Brig. Gen. Neal Dow, and respectfully request further instructions in the case.

Very respectfully, general, your obedient servant,

DABNEY H. MAURY,
Major-General, Commanding.

[First indorsement.]

SEPTEMBER 17, 1863.

SECRETARY OF WAR:

A report upon the case of Brigadier-General Dow, of the U. S. Army:

The facts reported are that General Dow, while in command in Pensacola, 1862, had enlisted soldiers (negroes) under his command, some of whom were slaves of persons residing in Florida; and that he made a speech in the presence of slaves to the effect that the masters of slaves in the South had used them cruelly and that they (the U. S. authorities) would avenge their wrongs.

Also, that while in command in Louisiana he had commanded a detachment of negro troops that opened one of the parish jails and proclaimed freedom to the slaves that were in custody. The military court in Mobile hold that the resolutions of Congress of the 1st of May, 1863, do not authorize a proceeding against an officer for acts done prior to their adoption, and that the facts do not authorize charges against General Dow. Instructions are sought from the Department as to the disposition to be made of him.

The communication of the judge-advocate, inclosed, presents the reasons upon which the military court have come to their conclusion.

Respectfully submitted.

J. A. CAMPBELL,
Assistant Secretary of War.

[Second indorsement.]

SEPTEMBER 19, 1863.

ADJUTANT-GENERAL:

Orders should be given for the return of General Dow to this city, to be kept with other captured officers till exchanged. From the report of the judge-advocate it does not appear that he can be proceeded against under the joint resolutions of Congress.

J. A. S.

[Inclosure No. 1.]

MILITARY COURT, MAURY'S CORPS,
Mobile, Ala., August 22, 1863.

Lieut. Col. G. G. GARNER, *Chief of Staff, Mobile, Ala.:*

COLONEL: I respectfully report as follows in relation to the case of General Neal Dow:

Upon the receipt of the communication of V. Reand, lieutenant, C. S. Army, to the Secretary of War, referred to this court under order of the President, I immediately applied through you to Richmond for a copy of the joint resolutions of Congress, approved May 1, 1863, a copy not having been previously furnished the court. After receiving the resolutions, with as little delay as possible I saw Lieutenant Reand and the gentlemen mentioned in his communication (Messrs. Burthe, La Barre and Le Breton), and after a full interview procured from them statements of all facts in the personal knowledge of each, bearing on the conduct of General Dow, copies of which are forwarded herewith. I also saw Messrs. Thomas B. and Henry P. Smith and Mr. Charles O. Drake, whose statements in regard to occurrences at Pensacola, Fla., are also inclosed.

It will be observed that the dates of the occurrences known by Lieutenant Reand, Messrs. Smith and Drake are all anterior to that of the resolutions. Messrs. Burthe, La Barre and Le Breton know nothing except the fact of Dow being in command at Camp Parapet, near New Orleans, which in the absence of proof of other facts, of course, amounts to nothing. The time of this command at Camp Parapet, though not stated, was, I believe, February and May, 1863.

The joint resolutions approved May 1, 1863, in the opinion of the individual members of the court, were not intended to have a retroactive effect as to cases under sections 4 and 5, and do not embrace such cases occurring previously to May 1, 1863. The terms used in these sections are, "shall command," "shall arm," &c., "shall during the present war excite," &c. This would seem to imply an intention to confine the operations of these sections to acts subsequent to the passage of the resolutions and to conform to the constitutional provision and rule of criminal jurisprudence that "no ex post facto law shall be passed." This view is sustained by the circumstance that in section 3, authorizing the President to retaliate for violations of the usages of war, the terms used are, "shall be or has been done," &c. The resolutions do not simply provide a remedy or appoint a forum for violations of a previous law, but create a new offense. The individual members of the court are therefore of the opinion that to sustain a charge before this court under sections 4 and 5 facts of a date later than May 1, 1863, should be proved. Under these circumstances I have thought it proper to make this report and ask for instructions.

Very respectfully, your obedient servant,

E. J. FITZPATRICK,
Judge-Advocate.

[Inclosure No. 2.]

I know that General Neal Dow was generally understood to be in command at Pensacola a few days before the time of its evacuation by the U. S. forces, and for some time before; that every one who went about the wharves or any of the places of business of the troops was required to have a pass from him; that I had a pass myself which I saw him sign in person, as the officer commanding there; that there

were negroes there without arms or uniform who were drilled by noncommissioned officers wearing the uniform and purporting to belong to the Seventh Vermont Regiment, the drilling being inside of the picket-lines of the enemy and sometimes in the town of Pensacola. I knew one negro named Ben, the property of Dr. John Brosenham, who represented himself as captain of a company, and whom I have seen conducting a company of negroes as commanding officer, or officer in charge, to the ground for drill. I heard this negro, Ben, recruiting among the slaves and trying to get them to enlist. I know that negroes who came into Pensacola were carried into the office [of] General Dow while he was there, and, after being brought, were sent to the "contraband quarters" and put to work on breast-works and the Government works, and were allowed to draw rations from the military supplies there. Of these negroes I knew one named George, who belonged to Capt. Alexander Bright; one named Cæsar, generally reported to be a slave, but whose I do not know; another named Bob, belonging to William H. Baker, and probably fifteen or twenty others whom I knew to be slaves, but whose names and owners' names I cannot now recollect.

I knew a negro named Vemp belonging to John McCloskey, of Pensacola, who was generally addressed as and understood to be a lieutenant. Bob Baker, mentioned above, was generally understood to be an orderly sergeant. I heard Neal Dow make a speech on a presentation by him of a flag to a Maine regiment in which he spoke, substantially, among other things, as follows:

"Fellow-men of Maine: Just to think that these people down South have been in the habit of whipping these poor colored slaves simply because they are colored and they have been under their thumbs. The way we will revenge ourselves will be to lay the lash on them." This was said in the presence and hearing of a large number of negroes. There were no negroes there that I know of except such as had fled to Pensacola from different parts of the Confederate States. If any had been brought in there from anywhere else I think I should have known it. All negroes there were required by orders, made known by notices posted on the streets, to take the oath of allegiance to the United States. I saw numbers of them take that oath. These things were all during General Dow's command at Pensacola, which began about August 1, 1862, and ended in March or April, 1863.

THOMAS B. SMITH,
Private, Company C, Third Florida Battalion of Cavalry.
HENRY P. SMITH,
Private, Company C, Third Florida Battalion.

[Inclosure No. 3.]

MOBILE, *August 18, 1863.*

Capt. E. J. FITZPATRICK, *Judge-Advocate:*

SIR: After reading carefully the charges made against General Neal Dow, of the U. S. Army, and upon which you desire to have a statement from me, I have to state that I do not know of my own personal knowledge any of the facts mentioned in said charges. My plantation was within short distance of Camp Parapet, where General Neal Dow had his headquarters; but I could not go through the lines for want of a pass, which was only granted to those who had taken the oath of allegiance, and therefore I know nothing of what was going on in the camp except by hearsay.

Respectfully, your obedient servant,

A. L. LA BARRE.

I have the honor to offer the above as my report upon the charges made against General Neal Dow. My plantation was adjoining to that of Mr. La Barre, and I know nothing of my own personal knowledge.

CHAS. LE BRETON.

[Inclosure No. 4.]

MOBILE, *August 18, 1863.*

Capt. E. J. FITZPATRICK, *Judge-Advocate:*

SIR: In answer to your request that I should state what I know of the charges made against the Federal General Neal Dow, now a prisoner in this city, allow me to state that I know nothing of my own personal knowledge to substantiate any of said charges.

General Neal Dow was in command at Camp Parapet, above Carrollton, La., in the spring of 1863. I had occasion to see him once at his headquarters under the following circumstances:

One of my sons had been arrested under charges made against him by some of his grandfather's negroes. I applied to General Neal Dow, offering to give security for the release of my son until he could be tried. General N. Dow received me not only with courtesy, but even with marked kindness. As my son was sick he ordered every attention to be paid to him and his orders were punctually executed.

The above is all I know personally of General Neal Dow.

I remain, sir, your obedient servant,

VICTOR BURTHE.

[Inclosure No. 5.]

When I first saw the boat on which General Neal Dow left Pointe à la Hache I was at my house, situated at about one-half a mile from the court-house of the parish of Plaquemines, from which I saw a squad of negro and white soldiers, under command of a white sergeant, enter Mr. Arroyo's house, situated at about one acre from mine. The house was surrounded by four negro soldiers and two others, and the white ones entered the house, and after having remained there about one-half hour, they left for the boat, which had crossed from Mr. Laussade's plantation, where it first landed, to the court-house, which is situated on the same side of the river where I land. I then proceeded to the court-house to see what was going on, and when I arrived there I saw Mr. Neal Dow in the parish jail with Mr. S. Martin, the sheriff, and heard him asking the said sheriff by what authority he kept in jail negroes that were there. The sheriff answered that they had been sent by their masters for safe-keeping. Upon hearing that the said Neal Dow ordered him to open the jail and told the negroes, "Come out of there, boys, and go on board of the boat; you are free."

The above circumstances took place inside of the jail, and the negro soldiers, about twenty-five or thirty, in uniform, with muskets and bayonets, were on the levee when the boat was at about 140 yards distant. When the negroes who were in jail for safe-keeping were turned out by order of General Neal Dow they marched on board of the boat and were there received with great joy by the negro soldiers; after which Neal Dow went himself on board of the boat, and they all left, the boat proceeding down the river in the direction of Forts Saint Philip and Jackson, at which it was generally understood that Neal Dow was in command at that time.

I heard the negro soldiers on board of the boat advising the planters' slaves that were standing on the levee at the time to come along with them; that they were all free. That occurred in the presence of Neal Dow, and close enough for him to hear what was said.

These facts are the only ones which are to my personal knowledge of those mentioned in the communication to the Secretary of War.

These facts took place on or about the 3d day of September, 1862.

VICTOR READ.

[Inclosure No. 6.]

A statement of Charles O. Drake in regard to the conduct of General Neal Dow, Pensacola:

I know of my own knowledge that he took from citizens of Pensacola, Fla., their negroes and converted them to his own use without any compensation to their owners. He also gave the negroes to understand that they were free, regardless of the protestations of their owners, and encouraged the negroes to disobey their masters and treat them as their equals.

This occurred at Pensacola, Fla., in July, August, and September, 1862.

One negro was taken from me at this time, several from Mrs. Langley, several from Mr. Brosenham.

CHAS. O. DRAKE.

WASHINGTON, D. C., *September 9, 1863.*

Major-General GRANT, *Vicksburg, Miss.:*

GENERAL: Your letter of August 30 is just received.* Neither General S. D. Lee nor any other officer or man paroled by you has been exchanged. If any such are recaptured they should be immediately placed in close confinement until their cases can be determined on.†

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, September 9, 1863.

Lieutenant LATOUCHE, *Commanding Military Prison:*

SIR: You will receive the articles directed to the prisoners of war in your custody and have them delivered, taking their receipts. The prisoners must pay the charges on the articles.

JOHN H. WINDER,
Brigadier-General.

HEADQUARTERS PAROLED PRISONERS,
Demopolis, Ala., September 9, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

SIR: It may not be considered improper to address the Department directly in order to give my views in regard to the paroled prisoners ordered to report here. Up to this time there has been very little disposition evinced on the part [of] the paroled men to return to this point.

I do not think they will come in in any large numbers unless some strong measures are adopted. The idea prevails, I hear, to a great

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*See Series I, Vol. XXX, Part III, p. 224.
†Remainder belongs to Series I.

extent, both with soldiers and with their friends at home, that unexchanged prisoners are not liable to the authority of the Government as soldiers. In a word, that one of the consequences of a parole is to suspend for the time being the military responsibility which existed previous to capture.

I am of opinion that should an order from an authoritative source on this subject be published it would have a good effect in bringing many absentees into camp. The announcement that they were exchanged would doubtless bring many back to their duty.

I have not yet made a report of the command here. Before entering upon the duties assigned to me I learned that Major-General Stevenson had sent such officers of the Alabama regiments of his division as had reported upon expiration of their furloughs to the sections of country where their regiments and companies had been raised, with directions to get their men together and bring them here. The places of rendezvous for these troops not having been made known to me, I can communicate only by the newspapers.

I have given similar instructions to officers of other Alabama regiments. After the 15th I hope to report some success from these steps.

Very respectfully, your obedient servant,

W. M. GARDNER,
Brigadier-General, Commanding.

[First indorsement.]

WAR DEPARTMENT, *September 21, 1863.*

SECRETARY OF WAR:

The impression is very general among the soldiers of this army that they cannot be called into the service, and the counsel of General Gardner is worthy of consideration. See letter within.

Respectfully submitted.

J. A. CAMPBELL,
Assistant Secretary.

[Second indorsement.]

WAR DEPARTMENT, *September 22, 1863.*

ADJUTANT-GENERAL:

Have not these men been exchanged? If not, I think it would be well to issue such an order as General Gardner suggests.

J. A. SEDDON,
Secretary.

[Third indorsement.]

SEPTEMBER 24, 1863.

General COOPER:

It is the impression that the men referred to have been exchanged. Will Colonel Ould state certainly if such is the fact and return these papers?

By order:

C. H. LEE,
Assistant Adjutant-General.

[Fourth indorsement.]

General Gardner has been fully informed as to who has and who has not been exchanged.

S. C.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 9, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I herewith respectfully return the indorsement of the Quartermaster-General.* I can easily transmit any funds to our prisoners, but I most respectfully submit whether it would be proper to use the funds which have been taken from Yankee prisoners for such a purpose. There are some methods of retaliation at which an honorable people should pause before they resort to them. It is true that our enemies have frequently taken money from our poor soldiers, but the practice is by no means invariable. The general rule is the other way. In hundreds of instances where it has been taken it has been returned through my hands. The Federal authorities, in answer to my protest against this outrage, have alleged that it was done in violation of their orders.

With reference to the $3,400 taken from Colonel Streight, he asserts that it was saved to him by the express terms of his surrender. He refers to General Forrest for the truth of the statement. If this is so, ought it to be appropriated? This is the only large sum now in our possession which has ever been captured. The Yankees in their General Order No. 100 say "large sums" can be taken, but small amounts shall be left with prisoners for the supply of their wants.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS, *Charleston, September 9, 1863.*

Maj. STEPHEN ELLIOTT,
Commanding Fort Sumter, Charleston Harbor, S. C.:

MAJOR: The general commanding directs me to compliment you and your garrison on the brilliant success of this morning. He hopes that all future attempts of the enemy to take Sumter will meet with the same result. The general will endeavor to have the prisoners removed in the course of the day or to-night. Should meanwhile the enemy bombard Sumter, and you have not enough cover for your command, will expose the prisoners instead of your troops to the enemy's fire.

Very respectfully, your obedient servant,

A. N. TOUTANT BEAUREGARD,
Aide-de-Camp.

Inspection report concerning prisoners of war at the U. S. General Hospital, Davids Island, N. Y., August 28, 1863.

WASHINGTON, D. C., *September 10, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

This hospital is under the charge of Surg. James Simons, U. S. Army, and has recently been devoted to the care of prisoners of war exclusively. The total number of wounded prisoners received there between the 17th and 24th of July was 2,538. Total number remaining August 28, 1,764; transferred under orders to City Point, Va., August 24, 690; deaths, 84.

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* See second indorsement on Breare to Seddon (August 13), p. 201.

There are 5,000 beds in this hospital and its location is very healthy and pleasant. The regulations established and ordered by the Commissary-General of Prisoners appear to be well enforced. Patients in the hospital building are furnished with no clothing except hospital underclothing, save those about to be exchanged, who receive one shirt, one pair of drawers, and one pair of pants each. In the tents where patients are able to go to the mess rooms, pants, drawers, shirts, and shoes, partially, are issued, but no hats. No clothing has been received from benevolent societies except hats (common straw), shoes, and a few coarse woolen overshirts. Surgeon Simons deems it essential to the health of these prisoners that they be supplied with coats or woolen overshirts, as the nights are becoming cold; also with shoes and hats. I concur with him in this recommendation. He also assures me that no rebel uniforms have been received by any of the prisoners, to his knowledge, neither did I see any in my inspection. The whole amount of everything received from charitable associations, including provisions, clothing, crutches, &c., would be about $3,000. No wants of any kind exist except for clothing, and for this they were suffering to a certain extent. The pants furnished by the Government are very inferior.

This institution is well managed and admirably arranged for a hospital, and the prisoners seemed very well contented to remain there.

C. H. CRANE,
Surgeon, U. S. Army, late Medical Inspector Prisoners of War.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Cincinnati, Ohio, September 10, 1863.

Brigadier-General WILLCOX,
Commanding District of Indiana and Michigan, Indianapolis:

The Governor of Ohio and General Cox have been informed of the purport of your dispatch of last evening.* If Vallandigham crosses he is to be at once arrested and sent under a strong guard direct to Fort Warren.

By command of Major-General Burnside:

W. P. ANDERSON,
Assistant Adjutant-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., September 10, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, Washington, D. C.:

SIR: I have just received a communication from the rebel agent of exchange, in which, after expressing great astonishment at having received no reply to his proposition of August 24, 1863 (which I forwarded to you), and no explanation as to the cause of my delay in answering it, he concludes as follows:

I therefore inform you that the Confederate authorities will consider themselves entirely at liberty to pursue any course with reference to any written proposition to you which they may deem right and proper under all the circumstances of the case.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

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*See also Cox to Burnside, Series I, Vol. XXX, Part III, p. 522.

[Indorsement.]

The inquiry was placed in the hands of the honorable Secretary of War on its receipt.

Now, September 12, 1863, the Secretary of War decides that he will not notice the proposition of Mr. Ould, which looks, in fact, to a complete denial of the right of the United States Government to arrest citizens (under the title of non-combatants).

E. A. HITCHCOCK.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 10, 1863.

Maj. Gen. C. C. AUGUR,
Commanding Department of Washington, Washington, D. C.:

GENERAL: In reply to your communication of yesterday in relation to the employment of prisoners of war as clerks in the office of the commanding officer of the District of Saint Mary's, at Point Lookout, I have the honor to inform you that such employment of prisoners of war is without my knowledge and without my approbation. It often happens that prisoners of war may be of great assistance in preparing rolls of prisoners received or transferred, but this would only be for the emergency and would not justify their being detailed as clerks either in the commander's office or that of the provost-marshal. I will immediately direct that no prisoners of war shall be employed as clerks or in any other confidential position.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

EXECUTIVE DEPARTMENT, *Wheeling, September 10, 1863.*

Maj. L. C. TURNER, *Judge-Advocate:*

SIR: At the time of the late raid by the rebel, Morgan, the prisoners then in Camp Chase were removed to Fort Delaware for safety. Hon. Samuel Galloway, commissioner at Camp Chase, informs me that Fort Delaware is a very loathsome and unhealthy place, so much so that he could not stay there long enough to examine into the cases of the prisoners who had been sent there as above stated. Some of these prisoners, and it may be many of them, ought not to be kept confined and away from their families and their business, but justice requires that they have an investigation at the earliest moment. This can be done with greater ease to the officers and more convenience to the parties and their friends, who have to furnish evidence in their cases, at Camp Chase than at Fort Delaware. I think it my duty, therefore, to recommend that these prisoners be returned to Camp Chase in order that their cases may be there examined into and disposed of.

Very respectfully, &c.,

A. I. BOREMAN,
Governor.

[Indorsement.]

WAR DEPARTMENT, *September 14, 1863.*

The Commissary-General of Prisoners will return those brought to Fort Delaware from Camp Chase.

E. M. STANTON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 10, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: This bureau is kept in very great ignorance as to matters connected with the parole and exchange of prisoners beyond the Mississippi. It is extremely important that certain and speedy information as to such matters should be sent to this office. I therefore respectfully recommend that Maj. Ignatius Szymanski, of the Adjutant-General's Department, and formerly connected with the parole camp at Jackson, Miss., be assigned to discharge the following duties beyond the Mississippi River:

First. To gather together as speedily as possible lists of the paroles given by Federal prisoners not heretofore received, correct the errors and imperfections therein where possible, and forward them to the agent of exchange at Richmond.

Second. To ascertain the number and locality of prisoners both in camp and on parole, Federal and Confederate.

Third. To communicate information to our different military commanders as to the proper methods of paroling prisoners, as to their retention, and as to the places where they are to be delivered or received.

Fourth. To assist in establishing one or more parole camps and collecting therein prisoners.

Fifth. To perform any other special duty in relation to paroles and exchanges, paroled men and prisoners, which may be required of him.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Indorsement.]

SEPTEMBER 11, 1863.

ADJUTANT-GENERAL:

This suggestion is approved. I have no doubt many inconveniences and even mischief may be rectified by such an inspecting tour.

Give the requisite orders.

J. A. SEDDON,
Secretary.

LIBBY PRISON,
Second Officers' Quarters, September 10, 1863.

Capt. J. WARNER,
Assistant Quartermaster, C. S. Military Prison:

CAPTAIN: At the request of your urbane and attentive commissary, S. Burnham, I cheerfully make the following statement:

The number of prisoners occupying this floor is 254. There has been issued to us 127 pounds of beef and 235½ pounds of bread, which has all been weighed in my presence, being an allowance of one-half pound of beef and one pound and two ounces of bread to each man; also rations of soap, salt, vinegar, candles, rice, and beans. These articles are of good quality, and to the best of my belief about the same quantity and quality as we have been receiving for the last two months. I will also here state that my knowledge of the feelings of my fellow-prisoners warrants me in saying that a general sentiment of satisfaction is entertained toward all the officers connected with the prison.

JAMES C. JONES,
Second Lieut., 35th Ohio Infty., Actg. Commissary, Rooms 3 and 4.

LIBBY PRISON,
First Officers' Quarters, September 10, 1863.

Capt. J. WARNER,
Assistant Quartermaster, C. S. Military Prison:

CAPTAIN: Having learned that a communication has been sent to the Secretary of War by Col. A. D. Streight, Fifty-first Indiana Volunteers, U. S. Army, complaining of the quantity of food furnished to the occupants of this floor of the Libby Prison, I wish to make the following statement in pure justice to you and your commissary, S. Burnham, whose efforts in our behalf deserve our gratitude and thanks, and also to relieve any impression on your mind that I, or the mass of my fellow-prisoners, participate in the feeling of dissatisfaction and complaint evinced in the communication above alluded to, Colonel Streight being resident on this floor. For the last three days I have witnessed the weighing of 149½ pounds of beef, 236 pounds of bread each day, also rations of salt, vinegar, soap, rice or beans, and candles issued to us. Our number is 299, making the ration of beef one-half pound and bread one pound and two ounces to each man. In my knowledge about the [same] quantity and quality of food has been dispensed to us for the last two months. And, in conclusion, permit me to bear testimony of the kind and courteous treatment that we have received at the hands of all the officers connected with the prison.

DAVID A. McHOLLAND,
Captain and Acting Commissary of Rooms Nos. 1 and 2.

[Indorsement.]

LIBBY PRISON, *Richmond, September 10, 1863.*

We fully indorse the within, trusting it may correct a statement, which is false and unjust, emanating from one of the inmates of the prison; but in doing so we wish only to speak of ourselves individually without referring to the sentiments of any other officer.

CHAS. W. TILDEN,
Colonel Sixteenth Maine Volunteers.
JAMES M. SANDERSON,
Lieutenant-Colonel and Commissary of Subsistence, First Corps.

RICHMOND, *September 11, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I did hope I would be able to send you some prisoners by the boat which arrived at City Point to-day. I find it to be impossible. I will, however, at some early day send you a number corresponding to that sent by the last boat. I think I can safely promise to send them to-morrow week.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 11, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On to-morrow, September 12, 1863, by virtue of the provisions of the cartel, I shall declare exchanged the following Confederate offi-

cers and men captured at Vicksburg July 4, 1863, and since then paroled, to wit:

First. The officers and men of General Stevenson's division, consisting of Generals Barton's, Lee's, Reynolds', and Cumming's brigades. The regiments belonging to said division are the Fortieth, Forty-first, Forty-second, Forty-third, Fifty-second, Thirty-fourth, Thirty-sixth, Thirty-ninth, Fifty-sixth, and Fifty-seventh Georgia; the Twentieth, Twenty-third, Thirtieth, Thirty-first, and Forty-sixth Alabama; the Third, Thirty-first, Forty-third, and Fifty-ninth Tennessee. The following artillery also belonged to it, to wit: Botetourt Artillery, Waddell's artillery, Cherokee Artillery, and Third Maryland Battery.

Second. The officers and men of General Bowen's division, consisting of Generals Cockrell's and Dockery's brigades. The regiments belonging to said division are the First, Second, Third, Fifth, and Sixth Missouri Cavalry. The following artillery also belong to it, to wit: Guibor's battery, Landis' battery, Wade's battery, Lowe's battery, and Dawson's battery.

Third. The officers and men of Brigadier-General Moore's brigade of General Forney's division. The regiments belonging to said brigade are the Thirty-seventh, Fortieth, and Forty-second Alabama, and the Thirty-fifth and Fortieth Mississippi.

Fourth. The officers and men of the Second Texas Regiment.

Fifth. The officers and men of Waul's Legion.

I have in my possession more valid paroles of your officers and men than would be an equivalent for the officers and men herein enumerated. In addition thereto I have delivered some 10,000 or 12,000 at City Point since the last declaration of exchange. It, however, has been the practice of the agents of exchange, whenever one of them declared a special exchange, to allow the other to select the equivalents. In accordance with such practice I now give you that privilege. If you do not avail yourself of it I will name the Federal officers and men who are discharged from their parole by reason of this present declaration of exchange.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, *Washington, September 11, 1863.*

Major-General HALLECK, *General-in-Chief:*

GENERAL: Had you not better telegraph to General Burnside not to parole his prisoners?

Yours, truly,

EDWIN M. STANTON.

HEADQUARTERS OF THE ARMY,
Washington, September 11, 1863.

Major-General BURNSIDE, *Cumberland Gap:*

Parole no prisoners. It is reported that the enemy is forcing into the ranks those paroled by General Grant without exchange.

H. W. HALLECK,
General-in-Chief.

WASHINGTON, *September 11, 1863.*

General MEREDITH:

You are authorized to offer General Kemper in exchange for General Graham.

Very respectfully, &c.,

E. A. HITCHCOCK,
Major-General, &c.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, September 11, 1863.

Capt. C. A. REYNOLDS,
Assistant Quartermaster, U. S. Army, Rock Island, Ill.:

CAPTAIN: Your letter of the 22d ultimo, inclosing a modified plan of the barracks for prisoners of war at Rock Island, was referred to Colonel Hoffman, Commissary-General of Prisoners, and has been returned with an indorsement, of which the following is a copy, viz:

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, September 3, 1863.

It was expected that the original plan might have to be modified to suit the ground, but in doing so it is not advisable, if it can be avoided, to divide the guard into two parts. It would be well to build a block-house of three-inch plank at the end of the street opposite the guard-house, outside the fence, for additional security. I would recommend coal stoves, as coal, I am told, is abundant. There should be at least six wells; nine would be better in case of fire. The pumps should be of iron, and there should be two or three force pumps, which, with hose, cost about $100 apiece.

Respectfully returned to the Quartermaster-General.

W. HOFFMAN
Colonel Third Infantry and Commissary-General of Prisoners.

The modified plan is approved with the suggestions of Colonel Hoffman as to guard-house; yet if in your opinion two guard-houses would render the place more secure you will have them built. The stoves should be for coal if it can be obtained at the cost of wood. Inasmuch as water can be obtained at about the depth of twenty-five feet, let six wells be dug inside the fence.

CHS. THOMAS,
Acting Quartermaster-General.

WASHINGTON, D. C., *September 11, 1863.*

Inspection report of prisoners of war at Fort Delaware, September 3, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

There are 8,000 prisoners of war at this point, and they have been much crowded together, sick and well, in the same barracks, which it has been impossible to keep clean. The opening of a new hospital at this post which contains 600 beds will improve the condition of affairs very much, and the separation of the sick will improve their sanitary condition immensely. The patients were being moved the day I was there very much to their relief. Greater facilities for cooking are needed, and rigid policing in the neighborhood of the kitchens, mess-rooms, and throughout the barracks cannot be too strictly enforced. General Schoepf informs me that he was able to procure everything that was needed and wanted for nothing. He appears to be very zealous and attentive in the discharge of his duties and gives all his time to a personal supervision of the wants of those under his charge and labors to improve their condition. I do not consider Fort Delaware a desirable location, in a sanitary point of view, for a large depot of prisoners. The ground is wet and marshy and the locality favorable for the development of malarious diseases. There have been many deaths at this place from typhoid fever, the result of their being crowded together in large numbers in a confined space.

C. H. CRANE,
Surgeon, U. S. Army, late Medical Inspector Prisoners of War.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, Mo., September 11, 1863.

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: In answer to that portion of your favor of the 7th instant in relation to the Alton prison, I have to say that I have not the entire control of that prison. We have no regular official information as to the number of prisoners there. At this time I have before me a copy of a report of an inspection made by an officer appointed by the commanding general of this department to make inspection of the Alton prison, and find from his report that there are now 1,316 prisoners at Alton. Unless reports from the Alton prison come through this office I cannot be informed of the number of prisoners on hand at that prison. I would most respectfully suggest that the Alton prison be used only as a prison for convicts for this and other departments of the Mississippi Valley, and that it be placed exclusively under the control of the provost-marshal-general of this department, and that all the business of the prison pass through this office.

I find that quite a number of prisoners are now in the Alton prison serving out sentence from some other department. Lately a number of these prisoners have made application to be discharged, on the ground that their term of imprisonment has expired. I can take no action in these cases, as they never pass through this office. In this way a great many are kept in prison for a long time and neglected. I most respectfully call your attention to the above suggestion.

I have the honor, colonel, to be, very respectfully, your obedient servant,

JAS. O. BROADHEAD,
Provost-Marshal-General Department of the Missouri.

HEADQUARTERS DISTRICT OF TEXAS, &C.,
Sabine Pass, September 11, 1863.

J. S. BESSER, Esq.,
Superintendent of Penitentiary, Huntsville:

SIR: Having removed the Federal prisoners from the penitentiary in accordance with your desire, I would not again make application for its use for this purpose were not the state of public affairs somewhat different. It is now not only forbidden to parole but to exchange prisoners, hence they must accumulate on our hands as the war progresses.

With a small force at my command to defend the State, every man [of] which is now extremely needed in the field, and from the disposition to escape, as recently manifested by some of the Federal prisoners at Camp Groce, I find myself much embarrassed and the highest interest of the State involved in the safe-keeping of these prisoners.

I have papers in my possession captured from the enemy a few days since going to prove that the late formidable expedition was in a great degree induced by the report to the Federal authorities of an escaped Federal prisoner.

The arguments urged by some that a penitentiary is not a proper place in which to confine prisoners of war ceases to have application since the imprisonment in Northern penitentiaries not only of privates

but of the gallant and devoted Morgan, whom we know to be thus confined and who is said to be treated as a convict.

In the penitentiary these prisoners can be kept by a very small guard of the State, armed with lances and a few pistols; elsewhere they would require a considerable force of well-armed and disciplined troops. I trust, therefore, that you will no longer withhold your consent to a proposition so evidently beneficial to the State, while the evils said to be apprehended are purely imaginary.

I state for your information that there are about 350 prisoners in addition to those at Camp Groce. From a sense of propriety I send this letter through His Excellency the Governor of the State.

I have the honor to be, sir, very respectfully, your obedient servant,

J. BANKHEAD MAGRUDER,
Major-General, Commanding.

OFFICE OF EXCHANGE OF PRISONERS,
Mobile, Ala., September 11, 1863.

Capt. J. W. DE BOTTE, *Assistant Agent, Demopolis, Ala.:*

CAPTAIN: You will proceed to the Department of Trans-Mississippi at your earliest convenience and inform Lieut. Gen. E. Kirby Smith no prisoners of war are to be released under any circumstances on parole until further orders. Surgeons and chaplains are now prisoners of war. In all cases prisoners must be paroled in duplicate, even when confined in prison. I desire you will use your best ability and untiring industry in procuring certified lists of all the paroled prisoners of war since the commencement of the present war. In all cases procure duplicate paroles if such were ever taken. In the lists of prisoners you will see that the proper forms are fully complied with—date of capture, date of parole, where captured, when paroled, when released, letter of company, number of regiment, and the rank of each prisoner. You will see all the generals in the department and give them copy of this letter. You will pay particular attention to the list of prisoners of war at the surrender of General Twiggs, in 1861, to Colonel Van Dorn, C. S. Army.

I am, very respectfully, your obedient servant,

N. G. WATTS,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 12, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Your letter of September 8 is received. I send you declaration of exchange, amended as you suggest.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Inclosure.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., September 12, 1863.

All civilians who may have been arrested by the Confederate authorities at any time before May 6, 1863, and who have been received at City

Point or at other places across our lines, are hereby discharged from any and every obligation contained in any parole they may have given to the enemy.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE OF THE U. S. CHRISTIAN COMMISSION,
Washington, D. C., September 12, 1863.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

SIR: The undersigned, a committee of the U. S. Christian Commission, respectfully ask permission to send some capable and judicious minister of the Gospel to labor among the prisoners at Point Lookout. Hundreds of this class at Gettysburg, to whom our commission has brought the Gospel of Christian kindness and sympathy, have been, as we believe, fully won. Instead of enemies they are our friends. Prejudiced against us by designing men, they have been surprised to find us neither infidel nor heathen, and when released they will go to their homes all through the South to tell of the sad delusion which has possessed them.

Pledging ourselves if our request be granted to send no one who would in any way embarrass the Government, we are,

Most respectfully, yours,

WM. BALLANTYNE.
M. H. MILLER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 12, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The last flag-of-truce boat brought an application for the removal of the body of Maj. Robert Morris.

You are aware that some time ago I made a similar request with respect to the body of Captain Stamps, who fell at Gettysburg. That request was declined. If you will agree that the body of Captain Stamps be transported from the field at Gettysburg at our expense, the remains of Major Morris will be brought to City Point at yours.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 12, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have received your proposal of the 11th instant for the exchange of Brigadier-General Kemper for Brig. Gen. Charles K. Graham. I accept it. It is impossible to send Brigadier General Graham at this present time to City Point. He will, however, go with the next departure of prisoners at the end of next week. I will notify him of the fact. In the meantime I hope you will have General Kemper at Fort Monroe, to be brought to City Point in the same boat that bears General Graham to you.

I will also send to you at the same time the Sanitary Commission to which you formerly referred. Will you send our nurses to us?

Let me also, in this moment of compliance, suggest that Mr. John F. Scott, of Fredericksburg, who was captured while performing the offices of mercy to a wounded Federal officer on the battle-field of Fredericksburg, be sent to us. If any case in this war could appeal for clemency it is his. He was arrested under the circumstances I have mentioned. He is, or was, in the Old Capitol Prison. I have not waited for your acquiescence to this request before I agreed to send the members of the Sanitary Commission to you. I send them because I am satisfied they have at one time or another done offices of mercy to our people.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

SPECIAL ORDERS, No. 410. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, September 12, 1863.*

* * * * * * *

II. Surg. Charles H. Crane, U. S. Army, having reported for duty in the Surgeon-General's Office, in accordance with Special Orders, No. 398, September 4, 1863, from this office, is hereby relieved from duty connected with prisoners of war.

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 14, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, Washington, D. C.:

SIR: I am informed by Mr. Ould that he accepts the exchange of Brigadier-General Graham for Brigadier-General Kemper, but that it will be impossible to send General Graham before the end of this week. I will therefore send a boat for General Graham on Saturday next, and I would respectfully suggest that General Kemper be forwarded to this point in order that he may proceed South by that conveyance.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 14, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, Washington, D. C.:

SIR: Mr. Ould informs me that on Saturday next he will release the members of the Sanitary Commission, and asks that we will reciprocate by sending them their nurses held by the U. S. authorities.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 14, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, Washington, D. C.:

SIR: I have to-day received a strong appeal from the rebel agent of exchange in behalf of Mr. John F. Scott, of Fredericksburg, who, he claims, was captured while performing the office of mercy to a wounded Federal officer on the battle-field. Should this be the case, would it not be well to forward him in consideration of the release of the members of the Sanitary Commission?

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 14, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I inclose herewith a copy of a declaration of exchange by Mr. Ould.* May I ask you to send me such instructions as you may deem necessary in the premises?

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 14, 1863.

Hon. ROBERT OULD, *Agent of Exchange:*

SIR: In your letter of September 7, declining to exchange General Graham for General Smith, you state that I appear to be laboring under some strange mistake; that General Smith has already been exchanged, and that I have received the equivalent. On July 14, 1863, my predecessor, Lieutenant-Colonel Ludlow, wrote to you, positively declining to unite with you in your declaration of exchange of July 13, and requesting you to notify the officers therein named that their exchange would not be recognized by the authorities of the United States. May I ask who was the equivalent delivered for General Smith? I now repeat to you the notification of Lieutenant-Colonel Ludlow, and state that the authorities of the United States will not recognize the exchange of the above officers until united in by me.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 14, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In your letter of the 14th instant you inquire "who was the equivalent delivered for General Smith." If you will refer to my letters

* See Ould to Meredith, September 11, p. 279.

of the 13th and 17th of July you will find out who was the equivalent. It had been our practice, whenever a special exchange was declared by one party, to allow the other to select the equivalent from prisoners already paroled or delivered. I pursued that course in the case of the Vicksburg general officers. The equivalent could be found in officers and men paroled at Fredericksburg, in pursuance of an agreement between Generals Lee and Hooker. If that was not satisfactory, the equivalent could easily be found in the 10,000 prisoners whom I released from captivity and sent to City Point. In that 10,000 there was an excess of more than 6,000 at least over the number you had delivered at the same place since the last general declaration of exchange. My letter of the 17th of July contains a fair statement not only of the practice of the agents of exchange, but of the grounds of my authority to declare the exchange of the Vicksburg general officers, including General M. L. Smith. The efforts to cast discredit upon the regular and honorable exchange of these officers is, to use a phrase of your own in one of your letters of the 14th instant, "simply ridiculous."

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 14, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I would respectfully ask to be informed of the status of Col. William H. Powell. Is he or is he not held and treated as a prisoner of war, subject to exchange like other prisoners in case exchanges should be resumed?

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEFENSES OF BALTIMORE,
*Fort McHenry, Md., September 14, 1863.**

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to acknowledge the receipt of your letter of the 12th instant,† in which you state that your—

Letter of instructions of the 3d instant † was intended to apply to all prisoners of war, including spies under trial or sentence, whether soldiers or citizens, and to all prisoners belonging to the rebel States; also that persons who reside in the loyal States arrested for disloyal conduct are political prisoners only, and are not classed as prisoners of war.

The prisoners held at this post hitherto have been divided into three classes, as follows:

First. Soldier prisoners, or those belonging to the U. S. Army and charged with offenses punishable by military law.

Second. Prisoners of war, who are subject to no punishments except that of being held in safe confinement until duly exchanged.

Third. Political prisoners, or those other than the first class who are charged with offenses for which they may be tried and punished by a court-martial or military commission.

This classification, so far as it relates to prisoners of war and politi al prisoners, I have regarded as fully authorized by General Orders, No.

* Should be 1864.

† See Vol. VII, this series, pp. 714, 811.

100, War Department, Adjutant-General's Office, April 24, 1863. Paragraph 49, section 3, said orders, defines a prisoner of war to be a public enemy armed or attached to the hostile army for active aid who has fallen into the hands of the captor, either fighting or wounded on the field, or in the hospital, by individual surrender, or by capitulation, &c. See also on the same point paragraphs 50 and 51, same section. By paragraph 56, same section, "A prisoner of war is subject to no punishment for being a public enemy;" and see also paragraph 75, same section. By paragraph 82, section 5 of said orders, "Men who commit hostilities without being part and portion of the organized hostile army, &c., if captured are not entitled to the privileges of prisoners of war, but shall be treated summarily as robbers and pirates." See also paragraphs 83, 84, and 85 of the same section, and paragraphs 88, 90, 91, 92, and 100 of section 5, said orders, in which several other classes of enemies not belonging to the hostile army are named, who, when captured, are not to be held as prisoners of war, and are made liable to punishments to which prisoners of war are not subject.

A large portion of the prisoners held at this post and classified as political belong to these classes or some of them, and belong also to the rebel States. For example: Walter Lennox, ex-mayor of Washington, D. C., now belonging to Richmond, Va., is a prisoner at this post, and held in close confinement by order of the Secretary of War. If all prisoners belonging to the rebel States "are to be held as prisoners of war, and to be released from close confinement," then this prisoner, now held as political, must be included, and if so included, must be regarded as entitled to all the privileges of a prisoner of war, including that of exchange.

If such be a correct interpretation of your letter, your directions will work an entire revolution in the system established at this post from the commencement of the war, both for the classification of prisoners and further treatment and government. Permit me, respectfully, to ask for further instructions.

I have the honor to be, very respectfully, your obedient servant,

W. W. MORRIS,

Brevet Brigadier-General, Commanding.

HEADQUARTERS U. S. FORCES,

Port Hudson, La., September 14, 1863.

Maj. G. N. LIEBER, *Acting Assistant Adjutant-General:*

SIR: In reply to the communication of September 9, department headquarters, just received, respecting a newspaper extract, I have the honor to inclose herewith a copy of the correspondence between myself and Colonel Logan, consisting of one communication to him and one reply, both per flag of truce.* I would further state that I have since the date of these communications been endeavoring to obtain satisfactory testimony to sustain the charge that two colored soldiers were hung as stated; but the only evidence so far is that of two colored soldiers who state they saw two colored men in uniform of U. S. soldiers hanging from a tree near Jackson, La., after the fight. They do not claim that they saw the act of hanging these men committed. Whether some of the colored soldiers taken prisoners were hung or whether the spectacle witnessed by the two soldiers mentioned

*See Andrews to Logan, August 5, p. 177, and Logan to Andrews, August 8, p. 189.

was merely a "chivalrous" exhibition of the feelings of some of the rebels toward some of the colored soldiers slain in the conflict remains undetermined.

It will be seen that Colonel Logan denies that any such thing was done with his knowledge or authority. The testimony of the assistant surgeon who was released by the rebels, he having been taken prisoner during the action, shows that while great contempt was manifested toward officers of colored troops and Lieutenant Orrillion was forced to march at the head of his "niggers," as the rebels expressed it, there was no other violence or ill-treatment offered to the prisoners within his knowledge. No conclusive testimony can be obtained from citizens in regard to this matter.

It has been stated by some of them that the wounded colored soldiers were well treated and cared for; some of them state that they have heard that some of the colored soldiers were in some underhand way sold at auction in Clinton, La.; others state that they had heard that a number of the colored soldiers taken prisoners at Jackson had been shot. But in all these points they speak from hearsay only.

As to the beating of the colored soldiers I am informed that in one or two instances they were struck several times by some of the rebels, but were not seriously injured.

While I am clearly and decidedly of the opinion that colored soldiers cannot with justice be employed as such without receiving the same protection that other troops would receive under similar circumstances, and while I am entirely ready and willing to carry out with stern severity any retaliatory measures which may be deemed proper by the commanding general of the department or other competent authority which I should feel bound to consult in a matter of such importance before proceeding to execute, I am on the other hand of opinion that no such measures should be resorted to without clear and decisive evidence of the commission of acts calling for such action, and in the present case I do not consider the evidence up to this time satisfactory as to the alleged hanging of colored soldier prisoners of war.

All of which is respectfully submitted.

I am, sir, very respectfully, your obedient servant,

GEO. L. ANDREWS,

Brigadier-General of Vols., Comdg. Post and Corps d'Afrique.

[Indorsement.]

There is no evidence upon which retaliatory measures can be properly based, and the reply of General Logan must be received as satisfactory upon the part of the alleged execution of or punishment of negroes. He is not justified, however, in placing officers and soldiers of the United States in close confinement upon the presentation of the inquiry unless accompanied by some other statement not disclosed in the correspondence. This opinion should be made known to General Andrews.

N. P. BANKS.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 11, 1863.

Brig. Gen. E. R. S. CANBY,
Commanding U. S. Forces City and Harbor, New York:

GENERAL: I have the honor to inclose herewith regulations which were established by authority of the Secretary of War for the government of officers commanding stations where prisoners of war are held.

By these regulations prisoners are permitted to receive clothing and money with certain limitations. The money is to be held for their use by the commanding officer, subject to be used for the purchase of such articles as may be allowed, and any balance in his hands to be turned over to them on their delivery at City Point or elsewhere. They may receive such articles of clothing as may be necessary to make up what they are permitted to have, viz, a change of underclothing and an outside suit. Complaints have been made by the rebel authorities that while they are willing to permit the prisoners they hold in Richmond to receive money and clothing, we refuse such favors to the prisoners in our hands; and though it is well known that the Union prisoners in Richmond are badly abused it is well to avoid giving them any opportunity to refer to anything we do as an example or excuse.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 14, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to acknowledge the receipt of a number of communications from Mr. Ould, which you referred to this office on the 10th instant. Please say to Mr. Ould that the arrangements reported by Capt. J. C. Jameison as having been entered into by Generals McNeil and Marmaduke, commanding the opposing forces in Missouri in May last, for the exchange of officers, has not before been brought to the notice of this office, and immediate steps will be taken to have the agreement, whatever it was, fully carried out on our part.

As a reply to Mr. Ould's letters of the 2d instant, I inclose herewith a copy of the regulations which have governed the management of the affairs of prisoners of war in our hands for the last two years.* It is unavoidable that in many cases these instructions are not fully carried out, which gives occasion for complaint, but generally they are closely adhered to, and we will be very glad if our people held at Richmond fare as well as prisoners who are in our hands.

The proposition of Mr. Ould for an exchange of rolls of officers held as prisoners of war on either side is approved, and I will in a few days furnish you with a list of all belonging to the Confederate Army held by us, for which I will be glad to receive in return a list of Federal officers held as prisoners of war in the Confederate States. In many cases prisoners give fictitious names, or mistakes are made in the initials or in the spelling, which makes it difficult or impossible to find the name of prisoners when inquired for by their proper names.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS FORT DELAWARE, DEL.,
September 15, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: In reply to yours of 10th instant, I have the honor to inclose herewith Special Orders, No. 165, which is based upon, and in strict

* See Vol. IV, this series, p. 152.

conformity with, your printed instructions, and the tenor of which will explain that I am not restricting the prisoners from any privilege to which they are entitled. The publication of this order in the Philadelphia and Baltimore papers was rendered necessary by many persons in the two cities constantly sending large quantities of uniform clothing and on account of contributions, sent through improper channels, being lost, thereby causing complaint and serious annoyance to me. About 800 prisoners' letters are received and sent daily, many of which are not restricted to the proper length.

I respectfully renew my request that you visit this post and from your personal observation be convinced that everything connected with the prisoners' depot is being conducted in as judicious and advantageous manner as possible. The persons enjoying the greatest privileges are usually the ones loudest in complaint. The August report I return to you properly corrected. The prisoners named in my letter of the 5th instant must all appear on the different Baltimore and Harrisburg rolls forwarded from this office, as we now have them arranged on our books according to regiments where these names appear together. I shall studiously guard against any omission or discrepancy, and should any possibly occur on my part I will promptly make the correction. I inclose herewith a letter from the commissary in relation to the building of a store-house, which, with your approval, might be built from the prisoners' fund. If there is a prospect of the prisoners being kept here during the winter, increased store-room is indispensable, but if they are to be sent away soon it can be dispensed with.

Very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General.

[Inclosure No. 1.]

SPECIAL ORDERS, No. 165. } HEADQUARTERS FORT DELAWARE, DEL., *September 3, 1863.*

I. Visiting this post out of curiosity is strictly prohibited. Relatives of prisoners seriously ill will be allowed to make them short visits on written application, accompanied with satisfactory proof of their loyalty to the United States Government, to Brigadier-General Schoepf, commanding post. Under no other circumstances will any person be allowed to visit the prisoners without special permission from the Secretary of War or Commissary-General of Prisoners.

II. All contributions to prisoners must be forwarded to this post by express, and plainly directed, giving name, rank, and regiment, in care of Capt. G. W. Ahl, commissary of prisoners. Coats and pants of a gray, drab, or blue color will not be given to prisoners.

By order of Brig. Gen. A. Schoepf:

GEO. W. AHL,
Captain and Commissary of Prisoners.

[Inclosure No. 2.]

OFFICE OF COMMISSARY OF SUBSISTENCE,
Fort Delaware, Del., September 15, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Post:*

SIR: Very serious inconvenience is experienced from want of store-houses for provisions. The room inside the fort being very limited is scarcely sufficient for the garrison alone in the summer season, when

the approaches to the island are unobstructed, and consequently stores can be brought often and in small quantities. In the season now approaching, with the prospect of a large number of prisoners remaining at the post, and, as is frequently the case, the possibility of the island being ice-bound for at least two months, it will be necessary that I should have stores on hand for, say, 12,000 men for that period of time. It is absolutely necessary, therefore, that store-houses should be provided immediately for a bulk of 7,000 barrels. Respectfully submitting the subject for your consideration,

I have the honor to be, your obedient servant,

G. S. CLARK,
Captain and Commissary of Subsistence of Volunteers.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 15, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: By direction of the Secretary of War, you will please return to Camp Chase, near Columbus, Ohio, the political prisoners now at Fort Delaware who were sent there from Camp Chase during the month of July by order of General Burnside. You will order a suitable guard to accompany them, and special instructions should be given to the officer in charge to prevent improprieties by the way. The date of their arrival at Fort Delaware is not given on the rolls sent to this office, and I cannot designate them more clearly than the above. There were on the rolls 116 names, of whom sixteen have been discharged or died. Possibly more have been discharged not yet reported. Please report their departure by telegram to this office and to the commanding officer at Camp Chase.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 15, 1863.

Brig. Gen. J. H. WINDER:

GENERAL: You will hand over such gold as may be sent to the prisoners, announcing to them that being money recognized by both Governments it is handed to them in kind, and that if at any time they wish to convert it into Confederate money it will be sold for them, on application, at the market price in this city. If the amount received be in Federal paper it cannot be handed over to them in kind, as it is not recognized as money by the Confederate Government, nor can its use or circulation be allowed; but it will at their option be converted at current rate of exchange into Confederate notes and such notes delivered to them, or will be retained in kind for their future use.

Your obedient servant,

JAMES A. SEDDON,
Secretary of War.

WASHINGTON, *September 16, 1863.*

General MEREDITH:

General Kemper will be sent to you for exchange. We shall fully reciprocate in the exchange of sanitary persons. Mr. J. F. Scott shall be sent South if possible, and I know of nothing to prevent it at this time.

E. A. HITCHCOCK,
Major-General, &c.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, September 16, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Mr. Ould's letter of the 5th instant, with the accompanying letter from Capt. W. C. Bird, which you referred to Major-General Hitchcock, commissioner for exchange of prisoners, has been by him referred to this office, and in reply I have the honor to make the following remarks:

Captain Bird states that he was wounded and taken prisoner at the battle of Perryville and remained in Kentucky some months. How much of that time he was in hospital he does not state, but probably most of it, as we have no permanent station in Kentucky for prisoners. He remained at Camp Chase, which is a permanent prison camp, six weeks. From there he was sent to Johnson's Island, where, after a short stay, he was sent to City Point. The delay was occasioned, not by a desire to detain him, but from unavoidable causes, and in part from misconception of orders.

It has not been by the authority of the War Department that this officer or other officers or soldiers who have been discharged have not been promptly delivered. Repeated orders have been given that all exchanged officers and men should be sent forward for delivery without delay, but in some few cases, through a misunderstanding of the orders, persons entitled to be sent beyond the lines have not been forwarded; but in no instance where a case of this kind has been brought to the notice of this office has there been any hesitation in rectifying the error.

The obstacle which for so many months interrupted the delivery of prisoners of war at Vicksburg prevented deliveries that would otherwise have been made, and thus individual cases were lost sight of.

Major-General Hitchcock has addressed you in relation to the case of Capt. William Waller, mentioned in the letter of Captain Bird, and nothing is required from me.

Medical officers and chaplains are held because officers of the same class belonging to the Federal Army are held in the prisons in Richmond.

Mr. Ould asks for the release of Lieut. W. F. Blackwood, Fifth Arkansas Infantry, captured in Mercer County, Ky., now at Johnson's Island. I am not aware of any declaration of exchange which covers his case. The two last exchanges declared in May and June, so far as I know, exchanged only such prisoners as had already been delivered and paroled. If Mr. Ould can show that he has been exchanged, he will be at once sent to City Point.

I will immediately have a careful examination of the records of our prisons made, and all prisoners of war, whether recruits or old soldiers, whose exchange has heretofore been announced will be without delay delivered beyond our lines.

There may be cases where prisoners of war are charged with offenses outside of their legitimate duties as soldiers, and these may be held responsible for these acts.

Recruits are not tried by court-martial, because they are recruits; but if recruiting officers come within our lines and induce men to enlist under them, neither they nor those whom they enlist can claim the privileges of prisoners of war.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 16, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Your letter of the 12th instant, inclosing annexed declaration of exchange of civilians, is received, and in reply I beg to say that I do not think it yet exactly meets the case. The declaration is to cover the exchange of all civilians arrested by the Confederate authorities on parole at City Point or at other places across our lines on or before the 6th of May. As you word the declaration it applies to those arrested prior to the 6th of May, though released on parole at any subsequent time.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 16, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I am in possession of reliable information which states that Andrew Johnson, confined in Castle Thunder, is subject to "horrible treatment." Will you cause inquiry to be made into this case and let me know his condition at your earliest convenience?

Very respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

[First indorsement.]

OFFICE EXCHANGE OF PRISONERS,
Richmond, Va., September 21, 1863.

Respectfully referred to Brig. Gen. John H. Winder, commanding department.

RO. OULD,

Agent of Exchange.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE HENRICO,
Richmond, September 21, 1863.

Respectfully referred to Captain Alexander, commanding C. S. prison. By order of General Winder:

W. S. WINDER,

Assistant Adjutant-General.

[Third indorsement.]

Respectfully referred to headquarters.

The only complaint Johnson makes is that his diet is not as good as he desires, and says he has no other complaint to make.

Respectfully, your obedient servant,

G. W. ALEXANDER,
Assistant Adjutant-General and Assistant Provost-Marshal.

[Fourth indorsement.]

OFFICE EXCHANGE OF PRISONERS,
Richmond, Va., September 21, 1863.

Respectfully returned to Brig. Gen. S. A. Meredith, agent for exchange of prisoners.

I am perfectly satisfied, from diligent inquiry, that there is no foundation for the charge that Johnson's treatment has been "horrible," or in any manner has been different from that of other prisoners confined at Castle Thunder. I refer you to Rev. Mr. Scandlin for the facts in this regard, as stated by Johnson himself.

RO. OULD,
Agent of Exchange.

[Fifth indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE OF PRISONERS,
Fort Monroe, Va., September 23, 1863.

Respectfully returned to Col. William Hoffman, Commissary-General of Prisoners, and refer him to above indorsement of R. Ould, rebel agent of exchange.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 16, 1863.

Surg. EBENEZER SWIFT, *U. S. General Hospital, Chester, Pa.:*

SIR: I am directed by the Commissary-General of Prisoners to request that when prisoners are sent for delivery none will be sent who have or are about making applications to be released on taking the oath of allegiance until their cases are first submitted to him for decision.

Very respectfully, your obedient servant,

W. T. HARTZ,
Captain and Assistant Adjutant-General.

(Same to Surg. J. Simons, De Camp General Hospital, Davids Island, N. Y. Harbor, N. Y.)

GENERAL ORDERS, No. 123. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, September 16, 1863.

The following order is published for the information of all concerned:

Exchange Notice No. 6.

RICHMOND, *September 12, 1863.*

The following Confederate officers and men captured at Vicksburg, Miss., July 4, 1863, and subsequently paroled, have been duly exchanged, and are hereby so declared:

1. The officers and men of General C. L. Stevenson's division.
2. The officers and men of General Bowen's division.

3. The officers and men of Brigadier-General Moore's brigade.
4. The officers and men of the Second Texas Regiment.
5. The officers and men of Waul's Legion.
6. Also, all Confederate officers and men who have been delivered at City Point at any time previous to July 25, 1863, have been duly exchanged, and are hereby so declared.

RO. OULD,
Agent of Exchange.

By order:

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS, *Columbia, September 16, 1863.*

Maj. C. D. MELTON:

DEAR SIR: I would respectfully report to you that the jail is not sufficiently large to contain the number of prisoners we now have confined here. The dimension of the building is seventy by fifty feet. The third story is occupied by the sheriff of this district, which leaves us but the middle and lower departments. We now have 273 Federal and 27 Confederate prisoners, making an aggregate of 300. We have packed them in as best we could for the present, but to remain as they now are will, I am fully satisfied, cause much sickness, not only among the Yankees, but the guard. To this our surgeon, Dr. J. Ford Prioleau (with whom I have consulted), will bear testimony. My guard is entirely crowded out of any place for the reliefs to sleep, and are now compelled to sleep on the ground in front of the jail. Under these circumstances I would earnestly recommend that quarters be at once erected for the prisoners on the college green, near our camp, where we could guard them and others who might be sent to us. If this cannot be done a part of them might be sent to Richmond or some other place.

Very respectfully,

R. D. SENN,
Captain, Commanding Post Guard.

[Indorsement.]

COLUMBIA, *September 16, 1863.*

Respectfully forwarded to commanding general for information and instructions.

If the construction of quarters be deemed advisable the work can be done without charge to the Government beyond the cost of material.

C. D. MELTON,
Major, Commanding Post.

[SEPTEMBER 17, 1863.—For Halleck to Grant, referring to the release from their paroles of 16,000 Confederate prisoners captured at Vicksburg, &c., see Series I, Vol. XXX, Part III, p. 694.]

HEADQUARTERS FIFTEENTH ARMY CORPS,
Camp on Big Black, September 17, 1863.

Brig. Gen. J. A. RAWLINS,
Assistant Adjutant-General, Vicksburg, Miss.:

DEAR SIR: Inclosed please find the answer made by Brig. Gen. W. H. Jackson, C. S. Army, to my communication of August 30 [28], a copy of which was submitted on its day of date to General Grant.*

* For Jackson to Sherman, see Series I, Vol. XXX, Part III, p. 228.

It is plain that General Lee was notified by the authorities at Richmond of his exchange, which, according to the cartel, releases him of his parole, but notice of such release should have been sent to our commissioner at Washington. It might be well to refer this letter to the Adjutant-General with the inquiry if the notice has been received. I do think if the Dix-Hill cartel is ever remodeled it should require notice to be given the agent of the adverse party and his assent obtained before the prisoner of war is released of his parole and allowed to resume his hostile character. As the case now stands the Confederate Government can release all their prisoners of war and we could not punish them, but would merely have new cause of grievance against the Southern Confederacy.

I do not presume that Davis would commit so gross a breach of honor, but I believe when we impose a parole not to serve against us until exchanged, our Government should not only have notice of the exchange, but should assent to it before it goes into effect. For, otherwise, in case of one taking a prisoner recognized as having been released on parole, how could we arraign him for a breach of his parole? What evidence should we demand that he has been exchanged? I think no evidence could be entertained except our consent by ourselves or proper agent and that we have received his equivalent.

I am, &c.,

W. T. SHERMAN,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, September 17, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: The Secretary of War directs that you report without delay how many prisoners there may be in paroled camps. He further directs that such prisoners be armed and equipped immediately.

I am, colonel, very respectfully, your obedient servant,

JAMES A. HARDIE,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 17, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: Pursuant to your instructions of yesterday, I have the honor to submit the following report of the paroled prisoners of war present and absent from the several parole camps. The whole number of troops paroled and who are subject to exchange, though some have been mustered out of service, amounts to—

Officers	149
Enlisted men	19,158
Total	19,307

Of these there were present at the parole camps on the 1st instant—

Officers	90
Enlisted men	11,909
Total	11,999

There were absent in August about—

Officers	160
Enlisted men	1,143
Desertions reported	2,902

There have been mustered out of service—

Enlisted men	931
Total absentees	11,951
Total in camps	11,999
Total report of	16,953

This total deducted from the whole number leaves as absentees not yet accounted for, deserted, discharged, and dead, 2,352.

Of the troops on parole after the absentees are collected in, there should be a total of 16,000 men available for the field.

I am, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 17, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: You will probably find it difficult to make a declaration of exchanges covering all of our paroled men without going into an elaborate classification, and I will, therefore, venture to make the following suggestions: You have in your possession rolls of Federal prisoners of war now on parole captured prior to the 1st of September amounting in all, including 76 officers, to something over 19,000. There are of the rebel forces now on parole 15 general officers, 2,176 officers, 37,734 enlisted men, and 252 citizens, without taking note of the enlisted men captured at Port Hudson, though I believe most of the officers are included. Mr. Ould in his letter of the 11th instant enumerates troops amounting to over 1,600, which will cover a like number of our paroled forces, but it will be difficult to separate them from the mass, and to facilitate the arrangement I would suggest that you announce to Mr. Ould your desire to declare the exchange of the balance of those on parole captured prior to the 1st of September, giving him the number of officers and men, and request him to designate upon the rolls of the Vicksburg captures an equal number of officers and men now on parole to be declared exchanged as equivalents or you can designate them yourself.

If you can effect this arrangement it will relieve you from the embarrassment of numerous details and it will leave no doubts as to who are exchanged. If possible, let the declaration include camp followers and citizens. I presume from Mr. Ould's letter that he includes as being under valid paroles the prisoners captured by the enemy at Gettysburg, though by the understanding between him and Colonel Ludlow on the 22d of May no paroles are to be considered as valid except those given on delivery as provided for in the cartel.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

P. S.—The numbers I give you come from reports to 31st of August, and are perhaps only about the time numbers. The rolls are most reliable.

W. H.

HEADQUARTERS CAMP OF PAROLED PRISONERS,
Enterprise, Miss., September 17, 1863.

General S. COOPER, *Adjutant and Inspector General, Richmond:*

GENERAL: I have the honor to report, for the information of the Department, that being deprived of the assistance of the officers who are, I understand, retained by the enemy as prisoners of war, I have been unable as yet to reassemble any portion of the troops recently comprising the garrison at Port Hudson.

Respectfully, general, your obedient servant,

W. J. HARDEE,
Lieutenant-General.

[First indorsement.]

SEPTEMBER 26, 1863.

Respectfully submitted to the President.

Would it not be well to order such officers as are not on active duty, and may be commanded, to temporary commands in organizing these prisoners?

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

The plan approved, with the understanding that the officers so employed shall be of the same State as the troops, or of the Regular Army if the former cannot be had.

J. D.

[Third indorsement.]

OCTOBER 1, 1863.

ADJUTANT-GENERAL:

Can you not suggest proper officers according to the above suggestion and the President's limitation?

J. A. SEDDON,
Secretary.

FINANCIAL AGENT'S OFFICE,
Huntsville, September 17, 1863.

Maj. Gen. J. B. MAGRUDER,
Commanding District of Texas, New Mexico, and Arizona:

DEAR SIR: Your communication on the subject of receiving Federal prisoners into the penitentiary for safe-keeping, dated at Sabine Pass, September 11, mailed at Houston 16th instant, reached me this morning. Were it my province as superintendent of the penitentiary to accede to your wishes, I would most cordially co-operate with you in carrying out your desires. But I have alone charge of the financial affairs of the institution, and have no power in the premises. It was by no act of mine the former prisoners were removed; it was the act of the superintendent, Thomas Carothers, and I think in accordance with suggestions from the Executive. I have handed your communication to Mr. Carothers, with a request to write you on the subject immediately.

Respectfully, your obedient servant,

JOHN S. BESSER,
Financial Agent Penitentiary.

WASHINGTON, *September 18, 1863.*

General S. A. MEREDITH, *Commissioner for Exchanges:*

SIR: Your communication of the 14th instant to Colonel Hoffman, inclosing the letter of Mr. Ould of the 11th, is before me.

For the purpose of guarding against a misunderstanding and an erroneous principle of action on the subject of declaring exchanges, you will inform Mr. Ould that the *ex parte* declaration of exchange, proposed in his communication to be made the next day (following the date of that communication), is deemed to be not only without authority from the cartel, but contrary to the usages of war.

The fifth article of the cartel (General Orders, No. 142, 1862) would have authorized Mr. Ould to discharge prisoners of the Federal forces, furnishing a list of them, and then to discharge an equal number of his own officers and men from parole. The cartel not only contemplates a mutual exchange of lists (article 5), but expressly declares (article 4) that no exchange is to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

In order to complete the arrangement declared by Mr. Ould it will be necessary for you to make a declaration of exchange of as many of our officers and men as have been delivered at City Point since the last declaration, provided the number does not exceed the number designated in Mr. Ould's declaration.

Then you can proceed further and arrange with Mr. Ould for the discharge from parole of any excess which can be balanced either way by officers or soldiers actually on parole. Prisoners of war actually in our hands are not to be exchanged at the present time. You will please be careful not to jeopard this point. You can receive any officers or soldiers whom Mr. Ould may offer at City Point, and arrange with him for a mutual declaration of exchange for those of his officers and men already on parole in the South, grade for grade.

Colonel Hoffman's letter of the 5th ultimo will give you some suggestions about exchanges, but it will be necessary for you to be exceedingly guarded in framing your declaration to confine its application to rebel prisoners already paroled, and on no account, by any accident, to use language which can give the South a claim upon prisoners now in our actual possession; not but that these will be used for exchange at the proper time, but not while the North has, already delivered and on parole, more than enough to cover all deliveries made or to be made by the South.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers, Commissioner of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,

Fort Monroe, September 18, 1863

Col. WILLIAM HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Your letter of the 16th instant received. I send you a reamended declaration of exchange.

Very respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

[Inclosure.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., September 18, 1863.

All civilians who may have been arrested by the Confederate authorities and delivered on parole at City Point or at other places across our lines on or before the 6th of May, 1863, are hereby discharged from any and every obligation contained in any parole they may have given to the enemy.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Indorsement.]

WAR DEPARTMENT, *October 20, 1863.*

COLONEL: I return the inclosed as you desire. It is deemed best not to include this in the general order declaring exchange of soldiers; at any rate, just now.

E. D. TOWNSEND.

LIBBY PRISON, *Richmond, September 18, 1863.*

Pursuant to previous notice, a meeting of the officers of the U. S. Army now confined in Libby Prison as prisoners of war was convened for the purpose of considering their condition and treatment while in such confinement and the best and proper means of improving the same. On motion, Maj. E. N. Bates, Eightieth Regiment Illinois Volunteers, was called to preside, and Maj. Harry White, Sixty-seventh Regiment Pennsylvania Volunteers, was elected secretary of the meeting. Upon the organization the chair was called upon to state the object of the meeting. To this call he responded by stating that this meeting as he was informed was called by the officers confined in Libby Prison to consult upon the best means of improving our physical condition while in confinement, and to inform the United States Government of our treatment by the Confederate authorities, and to correct any misrepresentation or misapprehension touching the same. The meeting was attended by nearly all of the officers confined in the prison, and much feeling was manifested in the object of the meeting.

On motion, a committee of three officers was appointed by the chair to report the sense of the meeting. The chair appointed on said committee Lieutenant-Colonel Williams, [Twenty-fifth] Regiment Ohio Volunteers; Dr. William Spencer, assistant surgeon Seventy-third Indiana Volunteers; Capt. B. F. Fisher, Signal Corps, U. S. Army. This committee withdrew a few moments and returned with the following report, which was read to the meeting and instantly adopted with the manifestation of much feeling and not a dissenting voice:

LIBBY PRISON, *Richmond, September 18, 1863.*

Maj. E. N. BATES,
President of Meeting of Officers, Prisoners of War, in Libby Prison:

SIR: Your committee appointed to report the sense of this meeting on the matters it was called to consider would respectfully report as follows:

Whereas the officers of the U. S. Army now confined in this prison as prisoners of war have understood a communication, dated September, 1863, signed by two officers of the U. S. Army of advanced rank, confined here, represents the entire satisfaction of those two officers with the treatment received at the hands of the Confederate Government and the officials of the prison, which paper has been given to the authorities now holding us, and will doubtless be forwarded through our commissioners of exchange to our Government and be otherwise made public.

While the said communication undertakes only to give the individual opinions of its signers, we yet fear by improper inference therefrom the opinions and feelings of the officers, prisoners here, may be compromised and our Government be misinformed thereby. We deem it proper and necessary to make a fair and truthful statement of

our actual condition and treatment, that such action by our Government may be taken in the premises as may be necessary and proper to secure us relief.

We beg leave to state that many of our fellow-officers have received and are receiving treatment, indignities, and punishments unauthorized by the rules of civilized warfare. Officers captured in honorable warfare have been and are often addressed without proper cause in low, abusive language unworthy the tongue of a gentleman, and found only in the billingsgate of the blackguard; some have been struck with the fist and open hand, some have been confined for weeks in lonely loathsome cells on loose and unsustained charges, and others again have been confined in these cells for the most trival offense, even for spitting on the floor of the prison. In addition to these personal and individual sufferings, the general condition and situation of those confined here are unauthorized by all civilized military precedent and the dictates of humanity. The published accounts in our daily papers of the condition and treatment of the prisoners in our Northern military prisons contrast strongly with our present situation.

Five hundred and seventy-one officers are at present confined here in four rooms, containing by actual measurement 16,936 square feet, or twenty-nine square feet—less than six feet square—to each individual. These rooms are used for sleeping, cooking, eating, and for all other purposes. From the barred windows of these rooms we can look on the world outside, but are never permitted to go into the pure air or walk upon "Mother Earth." One room is furnished with bunks for some of its occupants; in the others prisoners lie huddled in groups upon the floor during the night, with the allowance of one blanket each; some have no blankets at all. No seats are provided, and any one found seated upon his blanket during the day has it rudely dragged from him; the sickness of the possessor of the blanket will not save it for him.

Vermin (lice) abound in every room occupied. August 13, 1863, some thirty surgeons confined here as prisoners of war held a meeting and gave expression of their opinions of the character and sufficiency of the rations received. They stated "that in their opinion as surgeons the rations then being furnished (they remain unchanged) to the officers confined as prisoners in Libby Prison are insufficient in quality and quantity to maintain a healthy condition and prevent disease;" also "that articles of vegetable diet are necessary, in addition to the rations now issued, to preserve a healthy physical condition in men thus situated, and to counteract the scorbutic tendency incident thereto." Officers have at various times fallen upon the floor in fits, occasioned, as the surgeons affirm, from want of proper food. Those having money in their own hands, save the officers of Milroy's command, are permitted to send out and have articles purchased from the markets of the city. The large majority here, however, are without money, although they have considerable amounts in the hands of the Confederate authorities, yet they cannot obtain any for these necessary purposes. Those without money in their possession are compelled to live on the scanty rations furnished by the authorities and such contributions as they may receive from others. It is no uncommon sight in the prison to see men eagerly seek and eat what others leave.

The amount of money daily sent out from the four rooms to obtain vegetables, &c., is from $800 to $1,000, from which fact the insufficiency of the food issued can be readily inferred. This daily expenditure would be increased largely if the authorities here would allow us to have the use of our money they now withhold from us. It is but proper our Government should know that money sent us from our friends in the North is detained by the authorities here from us.

Colonel Streight, one of the prisoners here, in a communication addressed to Hon. James A. Seddon, Secretary of War of the Confederate Government, dated August 31 [30], 1863, copies of which were sent to the several commissioners of exchange, laid these facts before the Confederate authorities in an unexaggerated form. Still our condition is unremedied and the grievances therein set forth are augmented, as there is less money among us.

Believing the foregoing to be a true statement and just to all parties and adapted to deny the inference that may be drawn from the communication referred to at the commencement of this report, we have the honor to submit it for your action.

BY THE COMMITTEE.

After the reading and adoption of the foregoing report the following resolutions were submitted to the meeting. Their reading created much enthusiasm, and, after discussion by several officers, were unanimously adopted.

On motion, the meeting then adjourned.

E. N. BATES,

Major Eightieth Regiment Illinois Volunteers, President.

HARRY WHITE,

Major Sixty-seventh Regiment Pennsylvania Volunteers, Secretary.

1. *Resolved*, That the written statement addressed to Capt. J. Warner, commissary of subsistence, C. S. Army, indorsed and vouched for by Col. Charles W. Tilden, Sixteenth Maine Volunteers, and Lieutenant-Colonel Sanderson, commissary of subsistence First Corps, U. S. Army, in reference to the treatment and sentiments of the officers confined here, is in every particular a gross misrepresentation of facts, and in its reasonable inferences unqualifiedly false.

2. *Resolved*, That said statement is directly calculated to stifle the voice of our reasonable complaint, as truthfully set forth in the communication of Col. A. D. Streight, which they stigmatize as unjust and untrue, to mislead and deceive our commissioner for exchange of prisoners and our Government.

3. *Resolved*, That in view of the cruel and inhuman treatment of the enlisted men of our Army by the Confederate authorities which daily comes under our notice, not to speak of the indignities and deprivations to which our officers have been subjected, this action of those officers whose names are attached to the communication referred to in the first resolve meets our unqualified condemnation.

4. *Resolved*, That our thanks are due to Colonel Streight for his fearless and unselfish efforts to secure for us additional accommodations from our enemies, and that an increased amount of rations are some of the fruits of his labors, and that the course he has pursued in relation to our condition meets with our hearty approval.

WASHINGTON, *September 19, 1863.*

Major-General GRANT, *Vicksburg:*

GENERAL: I inclose herewith* what purports to be an exchange of the rebel prisoners taken at Vicksburg. No such exchange has been made. The act of Commissioner Ould is entirely *ex parte* and in violation of the cartel. Our commissioner has protested against this act of bad faith and deception on the part of the rebel authorities.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 19, 1863.

Hon. S. COLFAX, *South Bend, Ind.:*

DEAR SIR: I received to-day your favor of the 16th instant and have given it immediate attention. I have written to General Meredith, commissioner of exchange, to inquire of Mr. Ould what restrictions have been placed on the delivery of money to Union prisoners in the Richmond prisons, and when I get the information in an official way then I can lay it before the Secretary for his action. Your note contains the first intimation I have received that the money found in possession of Morgan's officers was taken from them by Governor Tod, and that the case may be clearly understood I shall have to get the particulars on this side of the affair also. As Mr. Ould has recently sent money through me to prisoners at Johnson's Island, I don't think he will persist in withholding from our people money sent to them by their friends. There does not seem to be any immediate prospect of the release of and

* See Ould to Meredith, September 11, p. 279, inclosing declaration of exchange.

exchange of Streight's officers, but they have recently been placed on the same footing with other prisoners of war and will be released when they are.

Yours, very truly,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 19, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: Your letter of the 14th instant to Major-General Hitchcock, commissioner for exchange, suggesting the discharge of John F. Scott, of Fredericksburg, on the appeal of Mr. Ould, has been referred to me that your suggestion might be carried out, but on examining the records I find that John F. Scott, of Fredericksburg, who was captured at Spotsylvania, Va., May 2, 1863, was sent from the Old Capitol Prison to City Point May 20, 1863. Please say to Mr. Ould that if this is not the Scott referred to by him, and he gives me any information by which he can be found, he shall be immediately released.

The release of the prisoners belonging to the Sanitary Commission mentioned in your letter of the 14th instant, captured by the enemy near Frederick, is fully appreciated, and if we hold any prisoners who may be claimed with them they will be immediately released. Mr. Ould speaks of nurses in our hands, but I can find none on the rolls except prisoners of war who are so styled on the reports from the hospitals, as I suppose from the fact only that they are so employed. If Mr. Ould can point out the cases which he refers to the matter will be attended to at once.

It has been reported to me that money sent to Union officers in prison at Richmond has been retained by the authorities. Please learn from Mr. Ould if there is any foundation for this report. Large amounts of money have been sent to prisoners of war in our hands, it being deposited with the commanding officer, subject to the order of the depositor, and we have the right to expect the same favor in return, more especially as our people are furnished with a very limited supply of food.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *September 19, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I beg leave to call your attention to the fact that the wife, daughter, and son of four years of age of Captain McNeill, of the Confederate service, who have been sojourning for more than a year past with their relations at Chillicothe, Ohio, were arrested at Oakland, on the Baltimore and Ohio Railroad, about a month since and sent to Camp Chase. They left Chillicothe for the purpose of paying a visit to Hardy County, Va. Will you permit them to accomplish their visit? In fact, will you release them from Camp Chase? How can

you complain of the detention of such as Mr. Gerhart when helpless women and children, meditating no wrong to you, are sent to your prisons?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HDQRS. DEPT. OF S. CAROLINA, GEORGIA, AND FLORIDA,
Charleston, September 19, 1863.

Maj. C. D. MELTON,
Commanding Post, &c., Columbia, S. C.:

MAJOR: The communication of Captain Senn, representing the crowded condition of the building containing the abolition prisoners, has been submitted to the commanding general, who, in view of the facts therein set forth, authorizes you to send to Richmond all the non-commissioned officers and privates captured on Morris Island previous to the 20th of July, exclusive of J. Ellis, who will be sent to this city on first convenient opportunity to be turned over to the State authorities. In connection with the offer of certain prisoners to take the oath of allegiance to secure their own release, the commanding general directs me to say that he disapproves the granting of any such privilege to prisoners of war. With this are transmitted letters for certain prisoners now confined in Columbia. Letters for the following persons contain various amounts of money, for which you will please forward a receipt for the files of these headquarters: Lieutenant Meade, $20; Richard Tinker, $5; Lieut. George C. Remer, $30; Acting Master's Mate Charles J. McCarty, $60.62; Lieut. Ed. T. Broner, $100.

Respectfully, your obedient servant,

C. H. S[MITH],
Assistant Adjutant-General.

NOTE.—Letter for M. L. Brayton, containing $25, was delivered to him in hospital in this city. Receipt on file here.

K[EARNY].

HUNTSVILLE, *September 20, 1863.*

Maj. Gen. J. B. MAGRUDER:

RESPECTED SIR: On yesterday I had the honor to have handed me your esteemed favor of the 11th in relation to Federal prisoners, &c. As you have a wrong impression in regard to the part enacted by me as to said prisoners, you will pardon me for transgressing upon your valuable time by briefly stating what my position was in the premises. I never objected to receiving the prisoners. I never asked for their removal from here. The facts in the case are these: The committee appointed by the Legislature "to examine into the affairs of the penitentiary" entered their protest, and, as I understand, forwarded the same to Governor Lubbock, insisting that said prisoners be not retained in the penitentiary. This, I think, influenced the Governor to request General Scurry to have them removed. Now, so far as I am concerned, I would; but respectfully request, if you desire me to receive what prisoners you have, that you obtain an order from the Governor to me to that effect. Then, if you please, direct me as to the manner in which

said prisoners are to be treated—I mean as to clothing, feeding, &c.—and I will cheerfully receive said prisoners and to the best of my ability carry out your instructions to the letter. I refused to General Scurry to receive the first prisoners sent here, it is true, but it was in this wise: I said, "If I have charge of them, I must control and manage them in accordance with my own ideas." To this General Scurry consented, but when said prisoners were forwarded to me I was especially charged "to remember that the prisoners must be treated as prisoners of war." They were officers, and this charge to me clearly implied I was to treat them as gentlemen. When I read the instructions to me sent with said officers I would have returned them from whence sent, but knowing Governor Lubbock's anxiety that everything should be done by his officers to forward the interests of and render all possible service to the military department occupying in Texas, I received the prisoners and discharged my duty toward them to the very best of my ability. Under the order of the Governor I am entirely willing to receive the prisoners you desire to send. One hundred I could take charge of forthwith. The balance I would want some little time (say two weeks) to prepare for. I would require the services of, say, eight men, and, with your consent, would ask for their detail from the State troops. The expense account I would ask to be settled monthly with J. S. Besser, financial agent, State penitentiary. If you can spare me as many as twenty prisoners (negroes would be preferred) to work in the factory, I will most gladly receive them, and after being placed in my charge I would relieve the military department of all expense in relation to them.

I have the honor to be, most respectfully, your obedient servant,

THOM. CAROTHERS,
Superintendent Texas Penitentiary.

P. S.—If you please, allow Governor Lubbock to see this, if convenient.

T. C.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 21, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose herewith a declaration of exchanges of rebel prisoners of war made by Mr. Ould, the agent from Richmond, which I have cut from a newspaper:*

The number of officers covered by the first five sections of this declaration is	1,208	
The number of enlisted men is		14,865
The number of officers covered by the sixth section is	72	
The number of enlisted men is		8,014
Making a total of officers	1,280	
Making a total of enlisted men	22,879	
Aggregate	24,159	
Reduced to enlisted men		29,433
Of the Federal troops on parole there are—		
Officers	76	
Enlisted men	19,083	
Aggregate	19,159	
Reduced to enlisted men		19,109
Which leaves a balance in our favor of		10,024

* See Exchange Notice No. 6, p. 295.

I would therefore respectfully recommend that General Meredith be instructed to immediately declare the exchange of all Federal officers and enlisted men captured and paroled up to September 1, 1863. He can then notify Mr. Ould that he has made this declaration, claim the balance that is due us by Mr. Ould's declaration, and demand that he immediately return to their paroles all officers and men for whom they have paroled no equivalents or that they release an equal number from the prisons in Richmond. Mr. Ould has made a declaration which is wholly unwarrantable under the cartel and it might with great propriety be set aside, but in the meantime, while the point is being discussed, this large body of men will be arrayed in arms against us, and therefore I would respectfully urge that the counter declaration above suggested be announced in orders, by which all our paroled troops will be returned to the field and we will then have time to discuss the merits of the case and arrange the details with Mr. Ould at our leisure.

I am, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, *September 21, 1863.*

General MEREDITH:

The public announcement made in the Richmond Enquirer of September 16 of a declaration of exchange by Mr. Ould, dated September 12, 1863, makes it necessary for you to declare exchanged without delay all officers and enlisted men captured and paroled up to September 1, 1863. Mr. Ould's declaration covers all being counted as enlisted men, 29,433, while yours will cover only 19,409, which will leave a balance in your favor of 10,024. Notify Mr. Ould of your declaration and claim a credit for his deficiency. Further instructions will be sent you by mail. Reply.

E. A. HITCHCOCK,

Major-General of Volunteers, &c.

WASHINGTON, *September 21, 1863.*

General S. A. MEREDITH,

Commissioner for Exchange of Prisoners:

The communication of the 3d instant from His Excellency the Governor of Connecticut, on the subject of the crew of the bark Texana, having been returned with an indorsement from Mr. Ould, proposing to discharge said crew "on the release of those similarly situated in Federal prisons," you are requested to say to Mr. Ould that I do not know nor can I hear of any prisoners held by us under circumstances corresponding to those of the Texana held in the South. If Mr. Ould will refer specifically to any such prisoners in our hands, they shall be released—it being understood that the cases shall be similar.

The communication from Mr. Ould of the 1st of August, referred to in the indorsement as unanswered, was handed to the Secretary of War on its receipt, who does not think proper to enter into such broad general agreements as proposed, implying so settled a state of things as does not in fact exist.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

HEADQUARTERS WESTERN DISTRICT OF LOUISIANA,
September 21, 1863.

Maj. Gen. N. P. BANKS,
Commanding U. S. Forces in Louisiana:

GENERAL: I have the honor to acknowledge the receipt of your reply to my communication respecting the release of the prisoners captured by me in June last from the parole given by them.

My motive in discharging these men on their parole was the humane one of relieving them from the position, extremely unpleasant under the most favorable conditions, of prisoners of war under close guard. This release was not effected until after the lapse of many days subsequent to their capture. It was made at a distance from their own lines, and with no force threatening me so as to render it an object to be rid of the burden of guarding and maintaining them. It was done with the assent and approval of their immediate commanding officers, and in this respect the requirements of the cartel of exchange were complied with to the letter. Moreover, their release under parole was in accordance with a practice which had all the force of an express agreement between the commanders of the opposing armies, and which controlled the case of the men captured on the Diana, the regularity of whose parole you recognize.

The absence of all similarity between this case and the case of captured officers and men paroled on the field to avoid the necessity of guarding and removing them, is too obvious to be dwelt upon. The agreement between the agents of exchange, a copy of which you send me, was made to prevent a repetition of the latter abuse, and although it had no application to the case of the prisoners released at Brashear, I had no notice of it, and could have received none at the time I returned your captured men. I had the honor of calling your attention in my first communication to the eighth rule in regard to paroles, published by the Government of the United States on the 28th of February last, for an official copy of which I am indebted to you. It is there prescribed as the proper rule of conduct for a prisoner of war whose engagement is disowned by his Government to return and surrender himself to the capturing power. This is the case of the Brashear prisoners, and I claim, as I have claimed, compliance with the established usages of war, by their return to their original condition as prisoners of war.

It is highly desirable that for the future all occasion for the renewal of difficulties respecting the exchange or release of prisoners of war in this military district should be removed.

I assume, general, that you concur with me in the propriety of alleviating as far as possible the condition of those whom the fate of war may place in the power of either belligerent.

If you think that a convention can be entered into by which the release of the prisoners under parole can be effected without the necessity of transporting them to distant points for exchange or release, I am ready, upon my part, to concur in any arrangement which will attain this object.

I have the honor to be, yours, &c.,

R. TAYLOR,
Major-General.

HEADQUARTERS WESTERN DISTRICT OF LOUISIANA,
September 21, 1863.

Maj. Gen. N. P. BANKS,
Commanding U. S. Forces in Louisiana:

GENERAL: I have given due consideration to the matters stated by you in your reply, under date of the 16th instant, to my communication to you concerning the execution of Mr. Glaisses and the arrest and detention as hostages of non-combatant citizens residing on Bayou Bœuf.

The killing of Captain Dwight is the act which led to, and in your view justified, these severe and exceptional measures against which it was the object of my letter to protest. We differ so widely with respect to the circumstances which attended the capture and death of Captain Dwight that continued discussion would be quite unlikely to bring us to an accord of opinion upon them. When I wrote to you I was in possession of the official statement of the commander of the outposts, to whose orders the men by whose hands Captain Dwight fell were subject. They were not, as you have been erroneously informed, men who had abandoned the army, passing themselves off as peaceable citizens and receiving protection as such, but they were soldiers in the actual discharge of duties and occupying positions to which they had been regularly assigned by their superior officers, and they killed Captain Dwight because he sought to make his escape after formally surrendering himself as a prisoner of war. However much the loss of an officer is to be regretted whose qualities as a gentleman and a soldier you estimate so highly, his killing was, under the circumstances, a lawful act of war.

But even if it were otherwise, what I protested against, general, and what your answer has entirely failed to justify, was the execution of an innocent man against whom no charge was made or pretended of complicity in the slaying of Captain Dwight and the arrest and punishment of peaceful citizens, many of whom lived too far from the scene to be suspected even of harboring or concealing the presumed criminals. These innocent men were made to suffer before any opportunity was given to the Government of the alleged offenders to investigate the case, and inflict such punishment upon them, had they been found guilty, as their crime would have merited, and as would have been satisfactory to your own Government. I said in my original communication, and I repeat now, that the suffering of these unoffending men for the supposed guilt of others has nothing in the rules of civilized warfare to extenuate it.

Our correspondence upon this subject will be laid before my Government for such action as may be deemed proper. What I note, general, with most satisfaction in your letter, is the expression of sentiments with regard to the conduct of hostilities, in which I cordially concur, and which, if steadily observed by both belligerents, will tend greatly to mitigate the evils of this unfortunate war.

I have the honor to be, yours, &c.,

R. TAYLOR,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, September 21, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: I have the honor to acknowledge the receipt of your letter of 15th instant, inclosing a copy of your Special Order 165 and the

recommendation of Captain Clark, that additional store-rooms be provided to receive the winter's supply of subsistence stores.

The order provides very properly for all admissible communication with the prisoners and gives ample opportunity for them to receive from their friends such articles as it is proper for them to have. Complaints are continually made of the unkind and harsh manner in which prisoners are treated, but I place no confidence in them until I have proof which cannot be questioned. A few days since I received through Mr. Ould, the rebel agent, a complaint made to their War Department by a sergeant-major who professed to have been a prisoner at Fort Delaware, in which he represented that the prisoners were treated in the most shameful manner. I contradicted the whole thing as being almost wholly devoid of truth, and where there was any foundation for complaint it was so much exaggerated as to leave little semblance of truth. The name of the man could not be found on the rolls, and I even doubt if he had ever been at the fort.

I know it is very difficult to get complete and perfect rolls, and when any discrepancies occur I take it for granted that it is owing to misstatements on the part of the prisoners or some other unavoidable cause, which may be remedied by inquiry.

From present prospects you may expect to have a pretty full complement of prisoners at the fort during the winter and it will be necessary to put up a suitable store-house to receive a supply of provisions, but I can scarcely think it possible that communication with the island will be cut off for two months during the winter. Whatever it may be will have to be provided for, and I think you may estimate for about 8,000 prisoners.

If the fund is sufficiently large to meet the expense it will be very proper to use it in putting up a suitable store-house. It may be used also in the purchase of stoves for the use of the prisoners, or anything else that may be necessary to promote their comfort—blankets, clothing, &c.

As the approaching cold weather will make it necessary that the prisoners should be more warmly clad I would suggest that you forward estimates for a supply of such articles as will be needed.

Your note of 14th was duly received and I wanted to acknowledge it sooner, but many pressing engagements have prevented my doing so.

I hope soon to have the pleasure of making you the visit I have so long had in contemplation, but just now it is quite impossible.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

DEPOT OF PRISONERS,

Johnson's Island, Near Sandusky, Ohio, September 21, 1863.

Hon. ROBERT OULD,

Agent for Exchange of Prisoners, Richmond, Va.:

SIR: Knowing that regular communication between Richmond and the Trans-Mississippi Department has been obstructed I have thought that it would not be improper in me to inform you that General Price proposed to the Federal commanders to exchange the prisoners then in his hands at Little Rock for their equivalent of those captured by the Federals at Helena, to be delivered in that department, and that before I left Saint Louis the prisoners that were at Little Rock had been paroled and were sent to Saint Louis to remain in a parole camp until

they were exchanged. I was present at the conversation between General Price and the Federal officers, and therefore know the proposition. I do not know the number paroled, but believe it was about 250.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General, Missouri State Guard.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 1, 1863.

Respectfully referred to General Schofield, commanding Department of the Missouri, who is requested to report the facts in this case. This letter to be returned.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, ARK., *September 21, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War, Richmond, Va.:*

I was requested by Brigadier-General Archer, from Maryland, now a prisoner at Johnson's Island, to forward you this communication. I have just returned from prison there, having been paroled, and was told by him to say to you that he would not sign his name to the communication for fear of discovery in case it should be found on my person.

Very respectfully, your obedient servant,

Y. H. BLACKWELL,
Major, First [Fifth] Missouri Cavalry, Colonel Shelby's Regiment.

[Inclosure.]

We count here 1,600 prisoners, 1,200 officers. We can take the island, guarded by only one battalion, with small loss, but have no way to get off. A naval officer might procure in some way a steamer on the lake and with a few men attack the island and take us to Canada. C. C. Egerton, of Baltimore, would, I think, furnish a fitting crew to one of our naval officers who carried your indorsement to him, and would give valuable advice regarding how to get the men armed in steamer, &c. There is no truer or more daring man in our service, and he has a large body of men sworn to obey him and help us. Lieut. George Bier or William Parker are suggested.

FORT MONROE, *September 22, 1863.*

Col. W. HOFFMAN:

I have just returned from City Point. No arrangement was arrived at. Am anxious to see you.

S. A. MEREDITH,
Brigadier-General.

HEADQUARTERS CAVALRY IN MISSISSIPPI,
Canton, Miss., September 22, 1863.

Maj. Gen. S. A. HURLBUT,
Commanding U. S. Forces, Memphis, Tenn.:

GENERAL: About the 8th of July Lieut. Daniel H. Jones, C. S. Army, was captured by the U. S. forces at Collierville, while passing

along the line of the Memphis and Charleston Railroad from West Tennessee to Brig. Gen. J. R. Chalmers, C. S. Army, with dispatches, and I have been informed that the said Lieutenant Jones has since been tried three times as a spy, and has finally been convicted of that offense and sent to Memphis, Tenn., to be executed as such.

I desire, general, to know if such is the case, for I cannot conceive for one moment that such a violation of the "rules of civilized warfare" will receive your sanction, and I most earnestly hope that I will receive a disclaimer of any such action on the part of yourself or any of your subordinate officers, as it is my earnest desire to adhere to the "rules of civilized warfare" as far as practicable. I earnestly request that in case Lieutenant Jones has been convicted as a spy that you will suspend the execution of the sentence until further investigation is had in the case. This communication will be handed you by Capt. J. R. Ruffin, accompanied by Lieutenant Sneed and an escort of eight men.

I am, general, very respectfully, your obedient servant,

S. D. LEE,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, September 22, 1863.

Brig. Gen. GEORGE L. ANDREWS,
Commanding Corps d'Afrique, Port Hudson:

GENERAL: Your letter to the assistant adjutant-general of the department, dated September 14, 1863, covering correspondence between yourself and Colonel Logan on the subject of the treatment of prisoners, has been received and laid before the major-general commanding.

He directs me to inform you that the denial of Colonel Logan is deemed sufficient to prevent any act of retaliation on the part of the U. S. authorities.

Colonel Logan can hardly be justified, however, in placing officers and soldiers of the U. S. service in close confinement on the simple presentation of an official inquiry on your part, unless there were attending circumstances not alluded to in the correspondence.

Very respectfully, I am, general, your most obedient servant,

CHAS. P. STONE,
Brigadier-General and Chief of Staff.

RICHMOND, *September 22, 1863.*

Maj. Gen. D. H. MAURY, *Mobile, Ala.:*

SIR: The Secretary of War directs that Brig. Gen. Neal Dow, U. S. Army, referred to in your note of 8th instant, be sent to this city to await further orders in his case.

Very respectfully, &c.,

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 23, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, Washington, D. C.:

SIR: I have the honor to report to you herewith the result of my interview with the rebel agent of exchange. I called his attention to

the fact that his declaration of exchange of the 12th instant was not in accordance with the terms of the cartel. He acknowledged it to be the case, but stated that such had been the practice heretofore between Lieutenant-Colonel Ludlow and himself, and that when one agent had declared a special exchange the other was allowed to select the equivalents. This he expressed a desire that I should do. I expressed my readiness to complete the arrangement which he had "declared," but this could not be consummated in consequence of the rebel agent's claiming as valid the paroles at Gettysburg and elsewhere, amounting to some 4,800.

Mr. Ould made the following proposition:

That all officers and men on both sides be released, unless there be actual charges against them. If officers or men are held on charges which their Government consider unjust, let one or more hostages be held for such. If there be charges against officers and men and they are not tried on the same within a reasonable time (to be agreed upon) they are to be discharged.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

FORT MONROE, *September 23, 1863.*

Major-General HITCHCOCK:

I have declared exchanged all officers and enlisted men captured and paroled up to September 1, 1863. Will forward official papers to-morrow.

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

FORT MONROE, *September 23, 1863.*

Col. W. HOFFMAN:

Will send to Baltimore for prisoners to-morrow.

S. A. MEREDITH,

Brigadier-General, &c.

OFFICE COMMISSARY-GENERAL OF PRISONERS,

Washington, D. C., September 23, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I beg leave respectfully to suggest that it would facilitate the management of the affairs of prisoners of war and lead to a more direct responsibility if the commanders of stations where prisoners are held could be placed under the immediate control of the Commissary-General of Prisoners. By the interposition of an intermediate commander the responsibility is weakened and correspondence passing through him is necessarily much delayed, and through frequent change of commanders it is impossible to establish a uniform and permanent system of administration. I would therefore respectfully suggest that an order of the following tenor be issued, viz:

Hereafter at all stations where rebel prisoners of war are held they will be under the exclusive control of the commanding officer, who will be strictly responsible for them to the Commissary-General of Prisoners, and, except from the War Department or the General-in-Chief, he will receive orders relative to prisoners only from or

through the Commissary-General of Prisoners. The general commanding the department in which the station is located will, on the application of the Commissary-General of Prisoners, detail a suitable field officer to have the permanent command of each place, with a guard, according to the necessities of the case. Commandants of departments and armies in the field will require in all cases full lists of prisoners captured, giving their places, &c., to be forwarded without delay to the Commissary-General of Prisoners, with a letter of transmittal showing the disposition made of the prisoners, and any other information that may be of service. All rolls should be signed by the officer who makes them, and when prisoners are turned over by one officer to another a receipt should accompany the rolls. Surgeons in charge of general hospitals where sick and wounded prisoners of war may be collected will be held responsible for them and will be governed by such instructions as he may receive from the Commissary-General of Prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, *September 23, 1863.*

Major-General SCHOFIELD:

A declaration of exchange has been made for all of our officers and men on parole prior to the 1st of September. They should be put in motion for their duty station without delay.

E. A. HITCHCOCK,
Major-General of Volunteers.

(Same to commanding officers of prisoners at Benton Barracks, Mo.; Camp Chase, Ohio; Camp Morton, Ind., and Camp Parole, near Annapolis, Md.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 23, 1863.

Col. C. THOMAS,
Acting Quartermaster-General, Washington, D. C.:

COLONEL: In view of the probable necessity for additional accommodations at Camp Douglas for prisoners of war, I respectfully recommend that the buildings burned down last winter not yet rebuilt may be put up with as little delay as possible. After the large expense recently incurred in the introduction of water to the camp with an extensive sewerage, and the reconstruction of the fence, it is economy to prepare quarters for prisoners to the full extent of the ground.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[First indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
September 23, 1863.

Respectfully submitted to the honorable Secretary of War for his decision as to whether the additional buildings recommended to be erected by Col. William Hoffman, Commissary-General of Prisoners, shall be erected.

CHS. THOMAS,
Acting Quartermaster-General.

[Second indorsement.]

Forward an estimate of the cost of erecting the buildings.

E. M. STANTON.

[Third indorsement.]

WAR DEPARTMENT, *November 7, 1863.*

These papers are respectfully referred to the Commissary-General of Prisoners. The Secretary of War is not disposed at this time, in view of the treatment our prisoners of war are receiving at the hands of the enemy, to erect fine establishments for their prisoners in our hands. Whatever is indispensable, however, to prevent suffering, whether from the effects of the weather or other causes, will be provided by commanding officers of prison establishments if ordinary means fail, by the use of the prison fund if necessary to that end, as far as it will go. Nothing more will be authorized.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 24, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: On the 22d instant Brig. Gen. Charles K. Graham, U. S. Volunteers, was exchanged for Brigadier-General Kemper. His attendant, N. G. Bowler, Company A, Seventh Virginia [*sic*].

The following named non-combatants were released from Libby Prison at the same date: Dr. Alexander McDonald, Rev. Mr. Scandlin, members of the Sanitary Commission; Leonard Brink, Henry E. Wrigley.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 24, 1863.

Hon. R. OULD, *Agent of Exchange, Richmond, Va.:*

SIR: To meet your declaration of exchange of the 12th instant I inform you that I have this day announced the following:

A declaration of exchange having been announced by R. Ould, esq., agent for exchange, at Richmond, Va., dated September 12, 1863, to meet the same in part, as equivalents, it is hereby declared that all officers and men of the U. S. Army captured and paroled at any time previous to the 1st September, 1863, are duly exchanged.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

The number of officers covered by the first five sections of your declaration is	1,208	
The number of enlisted men is		14,865
The number of officers covered by sixth section is	72	
The number of enlisted men is		8,014
Making a total of officers	1,280	
And total of enlisted men	22,879	
Aggregate	24,159	

Reduced to enlisted men		29,433
Of the Federal troops on parole, there are—		
Officers	76	
Enlisted men	19,083	
Aggregate	19,159	
Reduced to enlisted men		19,409
Which gives a balance in our favor of		10,024

I now claim this balance which is due us, and I demand that you return to their paroles all officers and men for whom you have paroled no equivalents, or that you release an equal number from the prisons in Richmond.

Your declaration was wholly unwarranted under the cartel, and it might, with great propriety, be set aside. In it you failed to announce to me the sixth section, as published in the Richmond Enquirer of the 10th instant, which covers 72 officers and 8,014 enlisted men. You did not, according to the terms of the cartel, furnish me with any "list," or even give me the number of men, by which I could declare equivalents, nor did you give me any time to prepare my announcement. I here deem it incumbent upon me to state that I consider your course in this matter a deliberate breach of good faith on the part of the authorities under whom you act. The fifth article of the cartel (General Orders, No. 142, 1862) would have authorized you to discharge prisoners of the Federal forces, furnishing a "list" of them, and then you could have discharged an equal number of your own officers and men "from parole." The cartel not only contemplates a "mutual" exchange of "lists" (article 5), but expressly declares (article 4) that no exchange is to be considered complete until the officer or soldier exchanged for has been actually restored to the lines to which he belongs.

As to the paroles given at Gettysburg and elsewhere, you made an agreement with my predecessor, Lieutenant-Colonel Ludlow, to take effect from May 22, 1863, that all paroles given not in accordance with the cartel should be considered null and void. How, then, can you claim as valid the Gettysburg paroles?

If you have any rolls or lists of any men whom you may have paroled that I have not given you credit for, or if there should be any errors in my account, I will be happy to rectify the same.

You declared exchanged, before my predecessor was relieved, certain officers captured at Vicksburg, in which declaration he refused to unite. There are but two officers, I believe (Generals Stevenson and Bowen), who are covered by your declaration of the 12th instant. If the other officers named have not been returned to their paroles, as requested by Lieutenant-Colonel Ludlow, you are indebted to us for their equivalents. The chief ground of the objection to that declaration is, that at that time there were no equivalents of the same grade in our possession (the only condition which would have warranted your making the declaration), and if we consented to it we would be obliged to offset them by officers of inferior rank.

In making up the number of Federal troops to be exchanged I have included all those mustered out of the service, all discharged, deserted, and deceased.

Respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
September 24, 1863.

Hon. ROBERT OULD,
Commissioner for Exchange of Prisoners, Richmond, Va.:

SIR: I am under the impression that an agreement purporting to have been made between you and the Federal commissioner of exchange appeared in the Richmond papers last summer, the effect of which was that no paroles would be regarded as binding unless the paroled prisoners were delivered at the established points or at some place agreed upon between commanding officers in the field.

An order to that effect was published by the Federal authorities and I desire to know whether it was the result of an agreement between the commissioners.

You will please inform me at your earliest convenience what the facts are with reference to this subject.

Very respectfully, your obedient servant,

R. E. LEE,
General.

SALT SULPHUR SPRINGS, VA., *September 24, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have the honor to inclose to you a communication to the Richmond Examiner which I deem it proper in the first place to submit to you. If you consider it at all improper or inexpedient at this time to have it published I ask the favor of you to retain it in your Department, otherwise to have it sent to the Examiner for publication, whichsoever you may prefer. In either case my object will be obtained, which is in the discharge of what I conceive to be my professional duty to the defendant—to have the facts of his case laid fairly before you in reference to any question which may arise as to his exchange as a prisoner of war.

If I rightly construe the correspondence of Mr. Ould with Lieutenant-Colonel Ludlow it seems to concede the status of Doctor Rucker as a prisoner of war but for the charges of murder and larceny which occurred before his connection with the Northern Army and for which subsequent prosecutions are now pending. Hence it seemed to me that any misapprehension or mistake as to the facts of those live charges ought not in justice to remain uncorrected.

I write this without any previous consultation with my colleague, Mr. Michie, to whom I to-day inclose both my letter to you and to the Examiner with a request that if he concurs with me in recollection that he will signify that concurrence in writing at the foot of both these letters and then forward them at once to you.

I have the honor to be, sir, with high respect, &c.,

N. HARRISON,
Attorney for William P. Rucker.

[Indorsement.]

I have no difficulty in saying, at the request of Mr. Harrison, that my recollection of the case of the Commonwealth *vs.* Rucker concurs entirely with his as stated in the accompanying paper, both as to the nature and state of pleadings in the cases and the circumstances under which they have been delayed on the docket. I have nothing to say about the communication of those matters to a newspaper, but think it important that the Government should be correctly informed, both on account of the rights of the prisoner and its own cause.

THOS. J. MICHIE.

[Inclosure.]

SALT SULPHUR SPRINGS, VA., *September 24, 1863.*

To the EDITOR OF THE RICHMOND EXAMINER:

SIR: In the Richmond Sentinel of the 16th instant was published a letter from the Hon. Robert Ould, Confederate agent for the exchange of prisoners, to Lieut. Col. William H. Ludlow, the U. S. agent of exchange, dated the 23d of June, 1863, which contains a mistake as to the facts of Doctor Rucker's case, which I ask permission as one of his counsel to correct.

In that letter Mr. Ould says:

> He (Doctor Rucker) was not under the protection of a soldier when he committed the felonies charged against him. The State is now prosecuting him for those crimes, and his trial has been delayed for two terms of the court, at his own instance, as I am informed.

The offenses here referred to by Mr. Ould must be the indictment against the defendant for the murder of Michael Joyce in Alleghany on the 23d of July, 1861, and an indictment for the larceny of a horse of Joseph A. Persinger, on the 27th of January, 1862.

The remaining eight indictments against the defendant all have reference to the charge of treason, which they embrace, and relate to events which occurred in Alleghany during his connection with the Northern Army, on the 17th, 18th, and 19th of May, 1862.

Mr. Ould is mistaken in supposing that either this indictment for murder or that for larceny was ever continued at the prisoner's instance. Of the charge of murder, the defendant was duly acquitted by the county court of Alleghany on the 19th of August, 1861. Notwithstanding this acquittal he was indicted for the same offense before a special term of the circuit court of Alleghany in November, 1862.

At that time a plea of "former acquittal" was tendered by the counsel for the prisoner, objected to by the Commonwealth, and the motion to exclude the plea continued until the meeting of the circuit court of Botetourt (to which the venue was then changed) in December, 1862.

The motion to exclude was then argued, upon the objection taken by the Commonwealth that an acquittal for unlawful stabbing with intent to kill did not necessarily import an acquittal of willful murder, but the objection was overruled by the court and the plea sustained.

The counsel for the accused then announced their readiness to try the plea, but on the motion of the attorney-general, who asked for time to prepare a replication alleging fraud in the procuring of the acquittal before the county court of Alleghany, the case was continued.

At the next term of the circuit court of Botetourt, in April, 1863, at the instance of the counsel for the Commonwealth, and by a previous understanding to that effect between the counsel on both sides, all the cases against the defendant were continued.

At the next and last term of the court (on the 1st instant) the defendant, who had been previously transferred to Danville at the instance of the Commonwealth and on account of the hostile movements then pending in the adjoining counties, was not required to be removed to Fincastle, so that his cases of course by operation of law stood continued until the next spring term.

The indictment for larceny we were ready to try at its first calling in Fincastle, and have been ready to try ever since.

We have never regarded it as anything but a frivolous prosecution against the prisoner for stealing a horse, which he fairly purchased from his debtor, at his instance, and for which he gave him credit on

an execution which he held against him. Besides, the pending prosecutions for both of these offenses were instituted after the defendant's capture at Nicholas Court-House in July, 1862.

At the December term, 1862, the indictment for treason was demurred to upon the ground that, if treason at all, it was treason against the Confederacy and not against the State of Virginia.

The prisoner's counsel were then anxious and the court was then ready (as it stated) to decide the demurrer but, at the instance of the counsel for the Commonwealth, that decision was deferred until the ensuing term of the court, and the demurrer is still pending.

The indictment for burning the Cow Pasture bridge and the other seven indictments for stealing horses, grain, and other property (which we claim to have been impressed instead of stolen)—all of these the Commonwealth was ready and proposed to try in December, 1862. To this we objected, and these cases were continued, on the motion of the counsel for the prisoner, for two reasons:

First. Because, if innocent of the treason (or which is the same thing, if legally in the military service and employment of the United States) he could not be guilty of the overt acts relied upon as constituting that treason, and which would then be legitimate acts of regular war, instead of arson or larceny in a legal sense.

Second. Because, if forced into a trial of these offenses we were without any evidence as to the handwriting of Colonel Crook and other officers, in order to show the prisoner's connection, either as provost-marshal or otherwise, with the Northern Army, and that in burning the bridge and impressing property he acted in a military capacity and in pursuance to the command of his superior officer.

This is my recollection of the facts as they occurred in court. If I am wrong the learned counsel upon both sides or his honor (Judge Hudson) will no doubt be able to set me right.

There appears to be a general misapprehension as to the present legal status of the defendant, which a more general acquaintance with the facts would perhaps remove.

N. HARRISON,
Attorney for William P. Rucker.

I must throw myself on your indulgence and beg you to overlook the error of my copyist in writing on both sides of sheet.

N. H.

[Indorsement.]

OCTOBER 5, 1863.

I see no benefit that could result to the Government from the publication of this communication. Mr. H. may be discharging only a duty to his client, but I am to consider only the effect on the Government, and in that view the publication can do no good and may prove mischievous.

J. A. SEDDON,
Secretary.

GENERAL ORDERS, No. 162. } HDQRS. DEPARTMENT OF THE OHIO, *Cincinnati, Ohio, September 25, 1863.*

Paragraph I, General Orders, No. 126 [August 8], current series,* from these headquarters, is revoked, to date August 17 last.

The following† in regard to the same subject is republished for the information and guidance of all.

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*See p. 190.

†See General Orders, No. 286, August 17, p. 212.

Deserters from the rebel army will only be disposed of at the discretion of department commander. If discharged on taking the oath of allegiance or on other cause, a descriptive list of each case will be forwarded to department headquarters.

By command of Major-General Burnside:

W. P. ANDERSON,
Assistant-Adjutant General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 25, 1863.

Maj. I. SZYMANSKI:

SIR: You will at once proceed beyond the Mississippi River and discharge the following duties:

First. Gather together as speedily as possible the lists of the paroles given by Federal prisoners at any time since the 1st of January last which have not heretofore been forwarded, correct whatever errors and imperfections may be in them, and forward them to me. Let the lists, or paroles, if there be no lists, state upon the face when and where the party was captured and when paroled, and whether he was detained in our lines or allowed to go or sent to the enemy's lines. If the parties were sent by us to any point under flag of truce, let that fact be stated, when and where. If you can procure the certificate of the officer who made the capture, or in default of that of any officer who is personally cognizant of the fact, let it be appended to the lists or paroles, as the case may be. I much prefer that lists should be sent rather than the paroles themselves.

Second. Ascertain the number and locality of Federal prisoners who are now in actual captivity beyond the Mississippi. Inform me what has been done with such as have been captured since January 1, 1863, and paroled. Let me know the places where and the time they were delivered, as well as the time and place of capture. Let me know also what captures of Confederate prisoners have been made since said date and what has been done with them.

Third. Communicate to the various commanders the proper method of making out lists or paroles. The lists and paroles must state upon the face when and where the parties have been captured and whether they were retained or released on their parole.

Fourth. In the present situation of affairs paroles had better not be given. Where it is possible to keep the prisoners it must be done. If that cannot be done the prisoners should be delivered under a flag of truce at Vicksburg. Where there are prisoners on both sides they can be exchanged one for the other on the spot. The Federals recognize no delivery of a paroled man except at Vicksburg or City Point, unless the commanders of the two opposing armies otherwise agree.

Fifth. Impress upon the different commanders the necessity of sending lists of their captures (when the parties are paroled) by safe hands to me, retaining a duplicate in event of loss. We have lost thousands by failure in this respect. If captures are not reported we gain nothing by making them.

Sixth. You will assist in establishing parole camps and collecting our prisoners therein. Give to me information from time to time as to the number of prisoners therein, the organizations to which they belong, and such other matters as may be of importance. Whenever

any future capture is made of a large number of men inform me of it and of the disposition made of them.

Seventh. As to other matters exercise your own good judgment.

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, *Washington, September 26, 1863.*

Brigadier-General MEREDITH, *Fort Monroe:*

The following telegram has just been received by this Department. You will take immediate measures to communicate it to Mr. Ould and procure a suspension of execution until facts may be offered to show the real status of the prisoner and prevent an improper execution. There must be some mistake in the matter.

UTICA, *September 26, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Spencer Kellogg, quartermaster gun-boat Essex, condemned at Richmond as spy. His father will prove to you Monday that he should be held prisoner of war. Will you do all in your power to save him?

LEVI COZZENS.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, September 26, 1863.*

LEVI COZZENS, *Utica, N. Y.:*

The Department is using every exertion to prevent the execution of Mr. Kellogg and to save him.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, *September 26, 1863.*

General S. A. MEREDITH, *Fort Monroe:*

A member of the Sanitary Commission, just here from Richmond, reports a belief that Spencer Kellogg, an officer of the Essex steamer on the Mississippi, is under sentence of death at Richmond, the circumstances being unknown. The strongest belief prevails that Kellogg is not amenable to the penalty of death under the laws of war and is entitled to the treatment due to a prisoner of war.

You will lose no time in communicating with Mr. Ould on the subject, and urge him in the most earnest manner to have extreme proceedings against Kellogg suspended, if any are contemplated, until he can be allowed a hearing. There must be some mistake with regard to Kellogg, and it would be a cruel outrage against humanity that he should be a victim of it, to say nothing of the consequences which must follow any wrong done to him.

E. A. HITCHCOCK,
Major-General, &c.

WASHINGTON, *September 26, 1863.*

GENERAL MEREDITH, *Fort Monroe:*

SIR: You can furnish Mr. Ould a copy of my telegram with regard to Spencer Kellogg.

E. A. HITCHCOCK,
Major-General.

WASHINGTON, *September 26, 1863.*

General S. A. MEREDITH,
Commissioner for the Exchange of Prisoners:

SIR: The proposition submitted as from Mr. Ould, in your letter of the 22d instant, "that all officers and men on both sides be released, unless there be actual charges against them," &c., is not accepted. The effort to make a distinction between officers serving with different species of troops can receive no countenance whatever.

The existing cartel is sufficient to meet all the demands of the laws of war.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, &c.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, September 26, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Be kind enough to inform me whether the number of prisoners will remain as large as it now is, in your judgment, any great length of time, whether they will probably be increased, and whether there will be speedy exchange. Your judgment on these points will aid me in a number of matters of importance to this post.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding Post.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, October 3, 1863.

There is no prospect at this time of any further delivery of prisoners on parole, and you should make provision for the winter for as many prisoners as the barracks will accommodate.

Respectfully returned.

W. HOFFMAN,
Commissary-General of Prisoners.

WAR DEPARTMENT, *Richmond, September 26, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have this day declared exchanged the following officers and men of the engineer corps and sappers and miners captured and paroled at Vicksburg, to wit:*

Respectfully,

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., September 26, 1863.

Lieut. JOHN LATOUCHE,
Commanding C. S. Military Prison, Richmond, Va.:

SIR: In obedience to instructions received from the Secretary of War in answer to a communication addressed to him September 26,

* List omitted embraces names of 13 officers and 14 men.

1863, you are hereby authorized and will proceed to impress two buildings, one on the corner of Nineteenth and Franklin streets, known as Grant's Factory; the other on Twenty-first street, between Main and Cary, and known as Smith's Factory.

The impressment will be made without any reference to rent.

Very respectfully, your obedient servant,

JOHN H. WINDER,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF TENNESSEE,
September 27, 1863.

Maj. Gen. W. S. ROSECRANS,
Commanding U. S. Forces, Chattanooga:

GENERAL: Every possible care and attention in our power have been bestowed on your wounded found on the field of battle. From the very limited supplies and attendants left with them, however, much suffering has resulted, which it was not in my power to prevent.

Such as can bear transportation (to be selected by your medical officers already on the field) will be paroled and sent to your lines, provided you will send the necessary transportation for that purpose. The conveyances will be met by Col. J. P. Jones, of my staff, and a sufficient number of drivers, in front of my line, on the Lafayette road, at 8 a. m. to-morrow, and will be returned to you at the same point with their loads as soon as practicable. Any supplies you may desire to send by these conveyances will be allowed to pass.

I am, sir, very respectfully, your obedient servant,

BRAXTON BRAGG,
General, Commanding.

HEADQUARTERS, *Fort Monroe, September 27, 1863.*

His Excellency ABRAHAM LINCOLN,
President of the United States, Washington, D. C.:

SIR: Dr. John P. Gray having accomplished the examination he was sent to make as to the sanity or insanity of Doctor Wright, of Norfolk, I deem it a proper opportunity for me to forward to you my convictions in the case and my most respectful suggestions.

That the homicide was a deliberate and cold-blooded murder I entertain no manner of doubt, and looking to the nature and character of the troops of which Lieutenant Sanborn was an officer, I deem it essential to discipline and proper feelings of pride and self-respect among the officers of colored troops that Doctor Wright should pay the penalty to which he was sentenced by court-martial.

I have the honor to be, very respectfully, your obedient servant,

J. G. FOSTER,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., September 27, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I have written to you twice in relation to the captain and crew of the bark Texana. You say that you will release them if we will release prisoners of yours in like circumstances. We do not know of

any prisoners held by us under similar circumstances as the crew of the Texana. If you will refer specifically to any such in our hands they shall be released.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 28, 1863.

Maj. Gen. W. T. H. BROOKS,
Commanding Department of the Monongahela, Pittsburg, Pa.:

GENERAL: I am informed that there is much comment in Pittsburg on the many indulgences that are extended to the prisoners of war in the Allegheny Penitentiary, and that it is excused on the ground that it is done by my order. I have given no instructions in relation to the treatment of prisoners, except what are contained in my letter of the 18th of August and the regulations which accompanied. These do not authorize anything but what is necessary and proper, neither excessive clothing nor luxuries of any kind. No report has been made to me of the manner of subsisting them, but if they draw their rations the fund made from the surplus will furnish the means of procuring any vegetables that may be required. Further than this nothing is to be purchased to eat, nor can they be permitted to purchase luxuries for themselves. If there is any foundation for the reports I refer to, will you please give such instructions in relation to the treatment of the prisoners as will put a stop to all irregularities? I have not been informed what officer is in immediate charge of these prisoners, nor have I received any returns from him. Will you please require his immediate attention to the returns required by the regulations?

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 28, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Until you hear to the contrary from me, any blankets or clothing sent to the Federal prisoners here will be delivered to them. In the meantime will you please answer my inquiry of the 2d instant as to any order forbidding money or clothing to be given to our prisoners now in captivity.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 28, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 31st of July last I wrote to Lieutenant-Colonel Ludlow, informing him of the charges and specifications against Spencer Kellogg. Immediately thereafter I sent for the witnesses, and upon interrogating them found that the charges and specifications were true. On

the 18th of this month he was brought before a court-martial, and on the following day, upon the most ample evidence, convicted of being, first, a deserter from our service (which he at one time joined) to the enemy, and secondly, of having acted as a spy while in our service at Island No. 10. As you are aware, he was captured in arms against us near Baton Rouge something more than a year ago.

On the 25th of this month Spencer Kellogg was publicly executed by hanging at Camp Lee, near Richmond. Some day or two before the execution he openly confessed that he had been employed by the Federal authorities as a spy and acknowledged the justice of his sentence. I am under the impression that he left letters for his relatives wherein the same admissions are made. In my next communication to you I will forward you a copy of the order in his case containing the charges and specifications.

If you will reciprocate in such cases I will send you a certified copy of the record in his case. To my certain knowledge the evidence of his guilt was overwhelming, one of the witnesses being the lieutenant of engineers under whom he served while at Island No. 10. In spite of that, however, if he had not already been executed, I am sure a suspension of execution would have been ordered to await anything which you might have had to produce in his favor. His trial was fair and impartial. He was not tried before an improvised military commission, but before a general court-martial, convened months ago and composed of intelligent and honorable officers. A longer time elapsed from the time of his conviction to the date of his execution than is usually accorded to spies.

Your Government cannot complain of the fullest notice. On the 31st of July I informed Lieutenant-Colonel Ludlow that he would be tried. When you see the charges and specifications you will see they are almost copied from my letter of that date. If there was anything to be produced in favor of Kellogg it should have been presented long ago. There must be, however, some mistake about the ability of his friends to show that he should not be treated as a deserter and a spy. The evidence and his own confessions settle those two facts beyond a doubt.

I will give you further information as to this case in a subsequent communication. To-night I have not the time to procure it.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, September 28, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 1st of August last, in reply to your first communication respecting the captain and crew of the bark Texana, I gave you a list of six captures made by the Federal forces, some or all of which corresponded with that of the Texana. I refer you to the letter of August 1. The captures were made either at sea or in our western rivers. The parties were engaged in either exterior or interior commerce. How they differ from the officers and crew of the Texana I cannot conceive. I then made you a proposition in reference to the release of the officers and crews of all vessels who are now held in confinement by either the United States or Confederate States. You have not seen fit to accept it.

I now make another proposal, to wit: That the officers and crews of all merchant vessels who are now confined on either side be immediately and unconditionally released. Either the proposal made in my letter of the 21st ultimo or in this present one will be acceptable to me.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF TENNESSEE,
September 28, 1863.

Maj. Gen. W. S. ROSECRANS,
Commanding U. S. Forces, Chattanooga:

GENERAL: In return for the prisoners paroled and sent to your lines I request that you will place on parole and return to me an equal number, or as many as you may have able to bear transportation. In this request I beg leave specially to include Brig. Gen. D. W. Adams, who is reported to be in Chattanooga wounded.

I am, sir, very respectfully, your obedient servant,

BRAXTON BRAGG,
General, Commanding.

HOUSE OF DELEGATES, *September 28, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I respectfully desire to call your attention to a case of individual hardship, for which there appears to be no redress unless in that final control over military matters which pertains to your office, a control which I invoke in the interest of humanity and justice. An old, honest, and every way reputable citizen of this city, such being his character as indorsed by some of the first citizens of Richmond, was informed about three months ago that his brother was a prisoner on Belle Isle and in a very destitute condition. He immediately applied for permission to visit his brother and supply his needs, but was refused. He then obtained letters representing him as a man of unexceptionable character, socially and civilly, and thus armed made a formal application to General Winder, which was as vain as the former. Another effort, more indirect in its character, was subsequently made, and still without effect. Meanwhile his brother represents himself to be shoeless and almost naked, and the guards absolutely refuse to receive and convey to the prisoner goods furnished by his brother.

Such inhumanity is, I believe, without a parallel in the conduct of civilized belligerents, and is obnoxious to peculiar objection here, since our soldiers in Northern prisons have hardly ever been refused opportunity to communicate with their friends and relatives, and even with strangers, and the amount of material aid which the Yankee Government has since the commencement of the war permitted even parties whom they consider disloyal to extend to our soldiers has been immense. With how much greater reason may a loyal citizen, honest, upright, irreproachable, ask the privilege of communicating with his imprisoned brother, from whom he has been separated for many years, and who now appeals to him for the common charities and absolute necessaries of life. Not the least remarkable feature of this case is the protracted detention of this prisoner when, as is alleged, hundreds who were incarcerated since have been exchanged.

Very respectfully,

A. M. KEILEY.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 29, 1863.

Col. J. C. KELTON, *Assistant Adjutant-General:*

COLONEL: All troops who were paroled and within our lines up to the 1st instant have been exchanged. Deliveries since the 1st instant have not been exchanged.

Very respectfully,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, September 29, 1863.

General BRAXTON BRAGG,
Comdg. Confederate Forces, Hdqrs. Dept. of Tenn.:

GENERAL: I am in receipt of your letter of the 28th instant requesting me, in return for the prisoners paroled and sent to my lines by you, to parole and return to you an equal number, or as many as I may have, who are able to bear transportation.

The prisoners who will bear transportation, numbering between thirty and forty, will be paroled and sent to your lines to-morrow morning at 8 o'clock.

I inclose and forward herewith a copy of a letter* received from Brig. Gen. D. W. Adams, which will explain to you the reason for not sending him.

I am, sir, very respectfully,

W. S. ROSECRANS,
Major-General.

HEADQUARTERS SEVENTEENTH ARMY CORPS,
Vicksburg, Miss., September 29, 1863.

Maj. Gen. JOHN A. LOGAN, *Commanding Post:*

GENERAL: Official information having been received at these headquarters that the Confederate authorities are returning to duty portions of the command captured and paroled at this place, previous to their being exchanged, in utter violation of their paroles and terms of capitulation, you will immediately instruct your provost-marshal to arrest and confine within the limits of the jail all persons wearing the Confederate uniform, and all persons not in uniform who are supposed to belong to the Confederate Army, that they may be sent North as prisoners of war.

The sick and convalescent in the Confederate hospital must be confined to the hospital grounds.

Very respectfully, your obedient servant,

JAS. B. MCPHERSON,
Major-General.

WASHINGTON, *September 30, 1863.*

FRANCIS LIEBER, M. D., *New York City:*

MY DEAR DOCTOR: The newspapers state that Spencer Kellogg, master's mate of Mississippi gun-boat, a prisoner of war to the rebels,

*Not found.

was executed on Friday last. As our Government has threatened retaliation in case of such execution, if found to be unauthorized by the laws of war, it becomes necessary to examine the question with great care.

Kellogg has been held for the past year as a spy, although not captured as a spy, but as a prisoner of war. He unquestionably acted as a spy in February or March, 1862, but escaped and rejoined his ship, from which he was captured some time during the summer as an ordinary prisoner of war. We claim that not being captured while a spy, or previous to his rejoining our forces, he could not be considered or treated otherwise than as a prisoner of war. This is the doctrine of paragraph 104, General Orders, No. 100. I think I have seen the same doctrine stated elsewhere, but cannot now refer to any authority. Please give me references if you have any.

I remember that the English in Major André's case made a point that, even admitting he was a spy, he had, when captured, passed our lines and was on "neutral grounds," and therefore no longer punishable. A ready answer to this was that lines are movable, and extend and contract with the movements of troops. André had not reached the British lines when captured. Had he subsequently been taken as a prisoner of war his case would have been parallel to that of Kellogg. I do not now remember a case exactly parallel. Hale was captured within the enemy's lines while acting as a spy.

The Richmond papers add that he was executed as a spy and deserter. The latter charge I think is untrue, and is probably put in as a make-weight. I saw Kellogg myself and conversed with him immediately after his return from the rebel lines, and he never intimated that he had entered the military service of the enemy.

It is important that we should take the right ground in this matter. I hope you will give me such information and advice as may be in your power.

Yours, truly,

H. W. HALLECK.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 30, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: The rebel agent of exchange accepts my proposition to make a mutual monthly exchange of lists of persons who die in prison North and South, and says he will furnish me one in a few days. Will you have one forwarded to me for the month of September at your earliest convenience?

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 30, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: The rebel agent of exchange informs me that blankets, clothing, &c., will be delivered to our prisoners confined in Richmond. Would it not be well to forward some to them? There are no lights in the

sashes in their prisons, and I am informed that none can be placed there. Much suffering will ensue during the approaching inclement season.

I am, colonel, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 7, 1863.

Respectfully referred to the Secretary of War, with the recommendation that the Quartermaster-General be directed to forward to Richmond, through General Meredith, commissioner for exchange, 500 blankets of inferior quality, to be gratuitously issued to Federal prisoners held in that city. It is further suggested that General Meredith require to be returned to him by Mr. Ould an acknowledgment of the receipt of the blankets from one of the senior Federal officers among the prisoners. If it is found practicable articles of clothing may be forwarded at an early date.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

I concur in opinion with Colonel Hoffman.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Third indorsement.]

WAR DEPARTMENT, *October 13, 1863.*

Approved.
By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

HEADQUARTERS, *Annapolis, Md., September 30, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

SIR: Nearly every boat which arrives with paroled prisoners of war brings to this place citizens who have been confined in Richmond, Va., and having been plundered of everything valuable are in very destitute circumstances. A large portion of them have been in prison many months and many are in bad health, resulting, I do not doubt, in most cases from bad treatment and from not having had sufficient food. These persons being without the means to pay their expenses to their places of residence come to me for transportation, which, under present instructions, I do not feel authorized to furnish. As those persons have suffered for their loyalty to the General Government and are now in distress, it appears to me that both justice and humanity require that aid should be given them to get to their friends. If these views are approved, I respectfully request authority to furnish them transportation to their homes.

I am, sir, with respect, your obedient servant,

C. A. WAITE,
Colonel First Infantry, Commanding Post, Annapolis, Md.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 5, 1863.

Respectfully referred to the Secretary of War, with the recommendation that the authority asked for be granted.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., September 30, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: As the weather becomes colder the prisoners will require to be more warmly clad than heretofore, and you will therefore permit such of them as have the means, and when, in your judgment, it is absolutely necessary, to purchase overcoats or under-garments suitable to the season. To those who have no means of purchasing for themselves, if recommended by the medical officer, you can issue such extra clothing as may be necessary. Make requisitions for such articles as you require.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 30, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: Had I succeeded, after waiting thirty hours, in obtaining an interview with you when I was last at City Point, I had intended to explain to you that the U. S. authorities had nothing whatever to do with the treatment that General Morgan and his command received when imprisoned at Columbus. Such treatment was wholly unauthorized.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, September 30, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: In the hope that the officers of the medical departments on both sides may be mutually released who are now held as prisoners, I offer to you the following proposition: That all persons of the medical departments, distinctly known as such, held as prisoners on either side, shall be discharged, irrespective of numbers.

If you will not agree to the above I propose that all shall be discharged, except one or more designated persons, for whom equivalents may be retained by the opposite party. We designate no one for exception.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 30, 1863.

A. M. KEILEY, Esq., *House of Delegates:*

SIR: I have read with some surprise your letter of the 29th instant relative to the action of the officers in charge of the prisoners of war at Belle Isle. The course pursued in the case mentioned is so different from the general practice as known to me that I think there must be some mistake, and will be pleased if you will furnish the name of your informant that I may direct investigation.

Your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *September 30, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: In the matter of the accompanying letter of Hon. A. G. Brown,* I have the honor to make the following report:

Governor Brown seems to have misapprehended the facts connected with the recent declaration of exchange. You are aware that I have been endeavoring for more than two months to come to some agreement with the Federal agent of exchange as to what paroles should be received and what rejected. You also know that in spite of my efforts no agreement has been made, and that I was compelled on my own responsibility as agent of exchange to make the declaration to which Governor Brown refers. That exchange released no one from captivity on either side. It was simply a set-off of paroles on both sides. I would very gladly have secured the release of our Gettysburg prisoners, now in captivity at the North, by exchanging them for officers and men paroled by General Lee if it could have been done. In order to accomplish that the Federal assent was necessary, and that I could not procure. The enemy would not agree to even more favorable terms to him.

Governor Brown seems to be under the impression that the Federals paroled at Gettysburg have been released from their paroles. Such is not necessarily the case. I have paroles in my possession other than those given at Gettysburg, greater in number than the Vicksburg captures, which I have declared exchanged.

It has been the constant practice of the agents of exchange on both sides, whenever one of them declared an exchange of paroled men, to allow the other to select the equivalents who were to be discharged from parole on his side. In no instance has ever a paroled man been exchanged for one in captivity. Paroled men are exchanged for paroled men, and those in captivity for such as are in similar condition. You know what persistent efforts I have made to secure the release of all officers and men on both sides and how the enemy has constantly refused our fair offers. I sympathize with Governor Brown and his most excellent wife in their affliction, and I am sure when he is acquainted with all the facts he will not only acquit this office of all blame, but will be satisfied that everything which honor and a proper regard for the interests of the Confederacy would permit has been done to secure the release of his son.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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* Not found.

[SEPTEMBER 30, 1863.—For General Orders, No. 173, District of Texas, New Mexico, and Arizona, relating to disposition of prisoners paroled at Vicksburg and elsewhere, see Series I, Vol. XXVI, Part II, p. 276.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., October 1, 1863.

Hon. HORACE BINNEY, *Philadelphia:*

MY DEAR SIR: Pardon me for trespassing upon your time, and if not asking too much I will call your attention to paragraph 104, p. 18, of the accompanying General Orders, No. 100.* One of our officers captured by the rebels some nine months ago has just been tried and executed as a spy.† He entered the rebel lines in disguise as a spy about February, 1862, and escaped some time in March and returned to his duty. About January last he was captured as a prisoner of war, and has been executed as a spy within the last few days. If the doctrine laid down in paragraph 104 is correct, his execution is a violation of the laws of war and retaliation must be resorted to. It is suggested by the Secretary of War that I should ask your opinion as the very highest authority on this question.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

WAR DEPARTMENT, *Washington, October 1, 1863.*

Brigadier-General MASON, *Columbus, Ohio:*

Lieutenant-Colonel Alston, a rebel prisoner, one of Morgan's officers, lately in Camp Chase, made his appearance at Baltimore, pretending to have been released on parole by Major-General Hitchcock at the request of General Burnside. No such parole has been authorized by General Hitchcock or by this Department. Please explain immediately how this prisoner happens to be at large. Release no one in future without direct order from this Department.

EDWIN M. STANTON,
Secretary of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 1, 1863.

Surg. A. M. CLARK,
Asst. Medical Inspector Prisoners of War, Washington, D. C.:

SIR: You will proceed without delay to make an inspection of the hospitals at the following-named places occupied by Federal paroled prisoners or by prisoners of war belonging to the rebel army, viz: Pittsburg; depot near Sandusky; Camp Chase, near Columbus, Ohio; Cincinnati; Louisville; Camp Morton, near Indianapolis; Camp Douglas, at Chicago; Camp Butler, near Springfield, Ill.; Saint Louis and Benton Barracks, near Saint Louis. Make a close examination into the administration of the affairs of these hospitals in every part, and in those appropriated to rebel prisoners of war you will ascertain how far the regulations, a copy of which is herewith inclosed,‡ are carried out;

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* See Vol. V, this series, p. 671.
† Spencer Kellogg.
‡ See Vol. IV, this series, p. 152.

what articles are purchased for the sick; how the property is accounted for, &c. Report particularly on the personal condition of the sick, whether cleanly in their persons, bedding, clothing, &c. In making your report be governed by the forms used in the medical department as far as they are applicable. Forward your reports by mail as soon as they can be made up, and having accomplished the inspection, report in person at this office.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 1, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

There is a bad spirit among the prisoners. They have the idea that it would be a great thing for the Confederacy for them to escape, and they are talking about it being their duty to make the attempt, as they are superior in numbers to so great extent; that as all the Confederate officers are collected here, if they could get off to Canada their Government would be much relieved on the exchange of our officers who commanded colored troops. Such things are reported to me by those who overhear. I have little doubt it will be only a question of time for them to make a revolt. If the numbers will continue as large, or larger, the force here should be immediately increased at least two companies, in my judgment. It would also add much to our security if the U. S. steamer Michigan lay off here. I do not know how much it would interfere with the other purposes of the Government to have her ordered here, but she could certainly render a very important service. I need not say a word as to the importance of my charge at the present time.

Very respectfully, your obedient servant,

WM. S. PIERSON,

Lieutenant-Colonel Hoffman's Battalion, Commanding.

RICHMOND, *October 1, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have received the accompanying discourteous letter* from the Federal agent, which I will take occasion to answer in a few days in what I trust will be fitting terms. In the meantime pardon me for a few suggestions.

General Meredith's letter is filled with falsehoods. I cannot speak positively as to his first item of 1,208 officers and 14,865 men, who he says are discharged by my declaration of exchange. The lists I have received from Vicksburg are too imperfect to be fully relied upon. General Meredith's computation as to the Vicksburg prisoners may therefore be true, though I doubt it.

The second item of 72 officers and 8,014 men who he says were delivered at City Point is grossly false. All the officers referred to were especially exchanged at the time of delivery, and therefore there is no

* See Meredith to Ould, September 24, p. 315.

charge against us as to them. The number of privates delivered was 5,881 instead of 8,014. In paroles General Meredith gives me credit for only 19,409 men. From the time of the last declaration of exchange to September 1 I have delivered at City Point alone 18,610 men, all of whom are on parole. I have other paroles amounting to at least 16,000. So that instead of being entitled to a credit of only 19,409, I have due to me 34,610. Allowing, therefore, that Meredith's Vicksburg computation is correct, he would owe me upon the notice which he has published 7,500 instead of my owing him 10,024 as he claims.

Meredith, not content with the falsehoods already referred to, utters several others.

First. He says I did not give him notice of the sixth section of my exchange notice, which declared all persons delivered at City Point before July 25, 1863, exchanged. On the 1st day of August, 1863, I gave him notice that I had declared such an exchange and he took no exception to it.

Second. He says I furnished him with no lists. This is also false as to the deliveries at City Point; as to the Vicksburg lists they were already in his possession and not in mine.

Third. The statement about my agreement with Colonel Ludlow is false, and Meredith was so informed by me on 1st of August, 1863. I saw a similar statement in the Army and Navy Gazette and immediately wrote to Meredith that the statement was untrue.

You are aware that on the 23d of August last I proposed to the Federal agent to arrange all our disputes about paroles on the principles of the general orders issued at Washington, or to adhere to our former practice. Neither one of these propositions has been accepted. I can neither get an acceptance nor refusal, though I have frequently pressed for one or the other. In view of that fact I published the declaration of exchange of September 12, 1863. You see what action has been taken upon that by the Federal authorities. I am entirely willing, if it meets with your approbation, to make a declaration corresponding with that of the Federal agent, exchanging all Confederate officers and men who were captured and paroled at any time previous to the 1st of September, 1863. I believe I would be justified before God and man in such a proceeding. Whilst the paroles held by them exceed ours to a considerable extent, their conduct has been so nefarious, their refusal to adjust the paroles on both sides so persistent, and their recent declaration so flagrantly outrageous that I believe I would be authorized to publish a declaration of exchange of all officers and men captured and paroled at any time before September 1, 1863. Such a declaration would not necessarily prevent a future adjustment of paroles. Perhaps it would facilitate it. When our indebtedness was ascertained it would establish a debt which we would honor. The Federals themselves have on more than one occasion, with no provocation, made an overdraw. If I made such a declaration I would accompany it with an expression of willingness to account for any deficiency in the number of paroles held by us when that deficiency was fairly and properly established. It might well be accompanied with a regret that their course had been such as to force the proceeding upon us. If this reconsideration does not meet your favor I propose at least that the parties captured at Port Hudson be immediately released from the obligation of their parole. The enemy has already discharged their own officers and men paroled at Gettysburg. They did it nearly two months ago. I do not think the Federal authorities recognize the Port Hudson paroles as valid. I have seen and heard enough to satisfy me that they do not so regard

them. Perhaps this discharge had better be made in general orders with the proper averments. If you think it can better be done by me as agent of exchange, I am prepared to do it.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CHICKAMAUGA, *October 1, 1863.*

General S. COOPER, *Adjutant and Inspector General:*

Unable to care properly for the enemy's wounded, I have, by special agreement, paroled and delivered to him all fit for transportation. Medical officers, except four exchanged for that number of our own, will be sent to Atlanta, as I learn ours are held in the East. We have about fifty.

B. BRAGG,
General, Commanding.

HEADQUARTERS, *Columbus, Ohio, October 2, 1863.*

Hon. E. M. STANTON:

Colonel Alston, a rebel prisoner, was released from Camp Chase and sent to Baltimore en route for Fortress Monroe on the following order from General Burnside by telegraph from Knoxville:

SEPTEMBER 27, 1863.

Brig. Gen. J. S. MASON:

The following letter has just been received and you will immediately carry out the instructions contained therein:

"WASHINGTON, D. C., *August.*

"Major-General BURNSIDE, *Commanding Army of the Ohio:*

"SIR: Your communication of the 22d instant, addressed to the Secretary of War, setting forth the case of Lieut. Col. R. A. Alston, chief of staff to the rebel General John Morgan, has been handed to me by the Secretary with instructions to signify his just appreciation of the honorable conduct of Colonel Alston. His parole will be respected and he will be sent to Fort Monroe to report to General Meredith, the commanding officer. General Meredith will be directed to include him among the first exchanges made.

"Very respectfully, your obedient servant,

"E. A. HITCHCOCK,
"*Major-General of Volunteers and Commissioner for Exchange of Prisoners.*"

Show this to Colonel Alston and report your action to the Commissary-General of Prisoners.

A. E. BURNSIDE,
Major-General.

The Governor and myself are much gratified with your order relative to the release of prisoners, as it settles all questions on the subject.

JOHN S. MASON,
Brigadier-General of Volunteers.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, Tenn., October 2, 1863.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington:

GENERAL: I have the honor herewith to transmit, for the information and action of the Department, a copy of the parole that has been administered by the rebel authorities to the surgeons and assistant

surgeons of this army lately captured at the battle of Chickamauga. From the reports of four of our medical officers exchanged yesterday, those yet remaining in their hands will, as soon as their services to the wounded can be dispensed with, be confined and held as prisoners of war. The rebel officers, assigning as the cause, state that seventy-two of their surgeons and assistant surgeons captured at the battle of Gettysburg in the legitimate discharge of their duties are now held by the United States Government as prisoners of war, and that the cartel has in this been violated on the part of the United States. They further state that they shall retain all U. S. medical officers captured, whether or not in the discharge of their duties as such, until the United States Government releases their medical officers captured at Gettysburg.

I have the honor to remain, general, very respectfully, your obedient servant,

W. S. ROSECRANS,
Major-General of U. S. Volunteers, Commanding Department.

[Inclosure.]

Copy of parole administered to surgeons and assistant surgeons of the U. S. Army captured at the battle of Chickamauga, Tenn., September, 1863.

I, ——— ———, of the U. S. Army, captured at the battle of Chickamauga September, 1863, solemnly swear that I will not bear arms against or give any information detrimental to the Government of the Confederate States, nor in any manner assist the United States Government in any service whatever until exchanged as a prisoner of war, and as I am only paroled to attend to the sick and wounded prisoners from the U. S. Army, as soon as I am relieved from that duty I will report to the commandant of the post at Atlanta, Ga., this to cease and be void when the cartel of exchange is fully observed toward such surgeons and assistant surgeons as have been captured in the legitimate discharge of their duties.

Subscribed and sworn to before me, Crawfish Springs, September 26, 1863.

ALEX. McKINSTRY,
Colonel and Provost-Marshal-General Army of Tennessee.

WAR DEPARTMENT, *Washington, October 2, 1863.*

Brig. Gen. E. B. TYLER, *Commanding at Baltimore:*

The parole of Lieutenant-Colonel Alston is satisfactorily explained. It was by order of General Burnside, of which notice had not been given to the commissioner of exchange nor to the Department. You will release him and allow him to proceed to Fortress Monroe in accordance with the terms of his parole, explaining to him the cause of his detention. The honorable conduct of Colonel Alston on a former occasion induced the indulgence of parole to him as an excepted case.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *October 2, 1863.*

General S. A. MEREDITH:

SIR: Colonel Hoffman has just shown me another "declaration of exchange," made by Mr. Ould, in which you do not appear to have been consulted.

This mode of *ex parte* declarations is altogether inexplicable, being without warrant from any recognized authority, and may lead to unpleasant consequences to the parties declared thus exchanged if again taken prisoners, the nature of which cannot now be determined.

On the subject of the crew of the Texana, please see the indorsement upon your last report on the subject, forwarded by mail to-day.

In your conferences with Mr. Ould on the subject you can explain that his propositions are not rejected contumaciously, but simply because there are complications in the matter which make it inexpedient to make a general declaration—one circumstance being that among the prisoners in our hands a considerable number seem to dread nothing so much as being sent South. In many instances they declare a Northern prison their choice in preference to being exchanged.

On this account I wish you to obtain from Mr. Ould, if you can, a margin, so that we can, if we have them, make up the required number without taking active crews.

It is hoped that the proposal for an exchange of medical officers and hospital attendants will lead to good results and that chaplains will also be exchanged.

Mr. Ould's statement of the case of Spencer Kellogg, taking the facts to be as he states them, would appear to be satisfactory, though extremely painful, except that so far as his having been a spy before he was captured is not regarded as an offense to be punished after being captured.

This principle is so laid down in the "code" we published a few months since. But if Kellogg was a deserter, his fate followed the offense of desertion.

I wish it were possible to obtain the release of Doctor Rucker. The belief is universal on this side that he is not legitimately held. Make another trial in his behalf and that of Doctor Green, whose fate is bound up with that of Doctor Rucker.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 2, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I most cordially concur with you in your proposal to discharge mutually all chaplains held as prisoners by either side. I will send all we have by the next flag-of-truce boat.

Please have those in your custody forwarded at the same time.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 2, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Your proposition of the 30th ultimo, to wit: "That all persons of the medical departments, distinctly known as such, held as prisoners on either side, shall be discharged, irrespective of numbers," is substantially a proposition that the Confederate authorities shall deliver to

you Dr. William P. Rucker, who is now in custody of the State of Virginia for crimes committed before he had any connection with the Federal Army. If it does not mean that I will agree to it most cheerfully. If it does, I cannot.

Your alternative proposition that "all shall be discharged, except one or more designated persons, for whom equivalents may be retained by the opposite party," is the old demand that we should consent to the retention of Doctor Green or some other surgeon in retaliation for Dr. William P. Rucker. To that I cannot agree. We are either right or wrong in the retention of Rucker. If right, you ought not to hold an equivalent. If wrong, Rucker should be delivered up. In no aspect of the case should Doctor Green or any other equivalent be retained.

In my communication to you of August 16 last I went fully into the case of Doctor Rucker. Can a single statement therein contained be successfully controverted? If not, upon what grounds can you deny our right to hold and try him? I will really be obliged to you if you will show wherein I am wrong in any of the positions assumed in my communication of the 30th of August.

When you deny our right to hold Doctor Rucker, or contend for your right to detain a hostage for him, am I to understand you as contending that no officer on either side is to be held on charges preferred against him?

If you have any surgeon in confinement under charges let him be retained and tried under them. I will not complain, especially if they are preferred by a grand jury, as is the case with Doctor Rucker. I, however, can never agree that any surgeon shall be held as an equivalent or hostage for Doctor Rucker. Some doubt has been expressed as to whether Rucker was ever a surgeon regularly in your service. How is it as to that?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 2, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: As you did not have the opportunity to explain to me at City Point how "the U. S. authorities had nothing to do with the treatment that General Morgan and his command received when imprisoned at Columbus," will you be so kind as to do it now? I thought Morgan and his command were prisoners of war, captured by the U. S. forces, and therefore in their custody. You and I have talked twice about General Morgan, and no hint was thrown out that he was not a prisoner of the United States. So far from that, on the 30th of July last you informed me by letter that "General John H. Morgan and his officers will be placed in close confinement and held as hostages for the members of Colonel Streight's command." Will you please explain to me what you meant by this notice of the 30th of July if the "U. S. authorities had nothing to do with the treatment that General Morgan and his command received."

Nay, more, will you enlighten me as to the point why the U. S. authorities have allowed their prisoners and "hostages" to receive such "unauthorized treatment" for two months? I hope the reason is not of such a nature that it can only be communicated in a whisper. Let me have it on paper.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 2, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I am very glad that Lieutenants Baker, Pumphrey, Crutcher, and Thorpe have at last been released. There are many other officers yet behind precisely in their situation. I have frequently given a list of them to your predecessor. I will furnish you one if you desire it. You say the above named have been detained by some "unaccountable mistake." Each of their names, with the places of confinement, has been more than once presented to the Federal agent. Lieutenant Baker was at Fortress Monroe, the headquarters of the agent of exchange, for months. It is indeed "unaccountable."

I will make inquiry as to John W. Wolsey. Brengle did not belong to the Sanitary Commission. He was arrested upon his return from a difficult and hazardous military enterprise for which he was especially employed and paid. If you can bring him within the rule established as to members of the Sanitary Commission I will release him. Charles W. Webster is at Castle Thunder. He is a citizen abiding in captivity until you release the non-combatants arrested on our soil and carried off to your prisons.

I will make inquiry into the case of Henry D. Barnett.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 2, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Your communication of the 24th ultimo, declaring that "all officers and men of the U. S. Army captured and paroled at any time previous to the 1st of September, 1863, are duly exchanged," has been received.

You are aware that when I met you on the 24th of August last at City Point I made to you the following proposal, to wit:

I propose that all paroles on both sides heretofore given shall be determined by the general orders issued by the War Department of the United States, to wit, No. 49, No. 100, and No. 207, of this year, according to their respective dates, and in conformity with paragraph 131 of General Orders, No. 100, so long as said paragraph was in force. If this proposition is not acceptable I propose that the practice heretofore adopted respecting paroles and exchanges be continued. In other words, I propose that the whole question of paroles be determined by the general orders of the United States, according to dates, or that it be decided by former practice.

You have neither accepted nor declined either branch of that proposal, although I have, both in personal interview and by letter, solicited you to do one or the other. On the same day you submitted to me your proposition, which, unlike mine, was prepared beforehand, and which is as follows:

I propose, on behalf of the Government of the United States, that all paroles given by officers and men between the 23d of May, 1863, and the 3d day of July, 1863, not in conformity with the stipulations of the cartel shall be regarded as null and void. A declaration to this effect to be published in both armies.

That proposition I immediately declined. I then and there gave you my reasons. In the first place, I informed you that the Confederate authorities had never at any time, and did not then, ask that paroles "not in conformity with the stipulations of the cartel" should be regarded as valid. I further told you that an agreement to regard "as null and void" paroles between certain dates, which were "not in

conformity with the stipulations of the cartel," was an implication that paroles liable to the same objection before the first-named date and after the last should be regarded as valid, and was therefore necessarily vicious on its very face. I also told you that another reason for declining your proposition was the one which caused you to make it, to wit, that the paroles which had been given to us were between the dates embraced in your proposition, while those given to you were before and after. When I made the objection to your proposal that it intimated that paroles "not in conformity with the stipulations of the cartel," before the 23d of May and after the 3d of July of this year, were to be regarded as valid, I asked you to state in writing that no such intimation was conveyed. This you declined to do, saying somewhat brusquely that you did not wish to have any discussion about the matter. Upon my pressing the subject, however, you put a memorandum at the foot of the proposition saying that the proposal was in reply to my letter of August 5, 1863, and in lieu of the proposition therein made by me. You would not, did not, disclaim the implication which your proposition contained, nor have you done so since. My letter of the 5th of August only demanded, in compliance with your own General Orders, No. 100, that if you rejected the paroles the parties should be delivered to us. You informed me that you would transmit my proposition to Washington and give me a speedy answer in person or by letter.

On the 7th of September I complained that no reply had been returned, although two weeks had elapsed and two boats had been dispatched to City Point since the date of our interview. At the same time I informed you that the Confederate authorities would consider themselves entirely at liberty to pursue any course with reference to my proposition which they might deem right and proper under all the circumstances of the case.

Accordingly, on the 11th of September, in pursuance of this plain intimation, I notified you that on the following day (that being the time when the notice would reach you) I would declare exchanged a portion of the Vicksburg captures. I gave you the divisions, brigades, regiments, and batteries. I also informed you that I had in my possession more valid paroles of your officers and men than would be an equivalent for the exchange I then declared; that, in addition, I had delivered at City Point some 10,000 or 12,000 men since the last declaration of exchange; that as it had been the practice, however, of the agents of exchange whenever one of them declared a special exchange to allow the other to select the equivalents, I gave you that privilege, and if you did not avail yourself of it I would name the Federal officers and men who were discharged from their parole by reasons of the declaration of exchange then made. This notification to you was not only in accordance with former practice, but was sanctioned, if not demanded, by the fifth article of the cartel, which, after providing for the manner in which "each party" may discharge "their" officers and men from parole, says, "thus enabling each party to relieve from parole such of their own officers and men as the party may choose." I have said this course was in accordance with former practice, and for proof refer you to the letters of Lieutenant-Colonel Ludlow, former agent of exchange, of the following dates of this year, to wit: April 6, 8, 13, 19, and 27; May 12, 26, and 30; June 5, 9, and 13, wherein he declared the exchange of Federal officers and men. In one of Lieutenant-Colonel Ludlow's communications of May 30, 1863, he says:

I have declared exchanged the Holly Springs capture; the Ninety-first Regiment Illinois Volunteers, captured at Elizabethtown, Ky., December 27, 1862, and the

captures at Mount Sterling on the 22d and 23d of March, 1863; also the officers and men of the Indianola. The exact numbers I have not on hand, but they foot up some hundreds less than the balance due. I will furnish you with the exact numbers as soon as received.

The same boat that conveyed that communication brought another, written subsequently, but dated the same day, as follows:

I have declared exchanged the Fifty-first Regiment Indiana Volunteers, Seventy-third Regiment Indiana Volunteers, and Third Regiment Ohio Volunteers. These number each less than 300 men, and compose a part of Streight's brigade. I will add to the above declaration the Eightieth Regiment Illinois Volunteers and fifty-eight men of the First Tennessee Cavalry.

The enlisted men alone designated in either one of the communications exceeded the "balance" due to Lieutenant-Colonel Ludlow. The excess in both communications was 2,290, without taking into account "the captures at Mount Sterling on the 22d and 23d of March, 1863."

You will observe that Lieutenant-Colonel Ludlow in these two communications did not furnish me with "any list, or even give me the number of men, by which I could declare equivalents, nor did he give me any time to prepare my announcement." I quote from your letter of the 24th of September to me. Not only was that the case, but he made a wholesale exchange of the Mount Sterling capture by a simple reference to it as being made on the 22d and 23d of March, 1863, without any designation of corps, division, brigade, regiment, or company. Further than that I have never to this day been furnished with a list of those captured at Mount Sterling, or even with the aggregate number.

Such, then, were the circumstances and such the precedents under which I declared the exchanges of September 12, 1863. I have purposely gone into minute and faithful detail in consequence of the extraordinary character of your letter of the 24th of September. You state that you consider my course to be a deliberate breach of good faith on the part of the authorities under whom I act. In a bungling sort of way you have used language which casts an offensive aspersion both upon myself and the Government I represent. If there had not been subjects of very grave import to both people referred to in other portions of your communication I would have treated it with the silent contempt it deserved and returned it to you without comment. For the first time in the correspondence of the agents of exchange has any such discourtesy occurred. I regret it very much. Heretofore I have had occasion to complain of the action of your Government, but it has always been done with decorum. I have never written a word personally offensive to the Federal agent of exchange or insulted his Government with a charge of "deliberate breach of good faith." It is a matter of very little moment to me what may be your opinion of "my course." There are some people connected with this war who, either from ignorance or passion, seem to have no clear ideas on any subject. The opinion of such, even if uttered in the language of courtesy, is but of little avail, but if expressed with intemperance only "exalts their folly." There has been no breach of faith on the part of the Confederate States, "deliberate" or otherwise. You were importuned to agree to some fair principle by which paroles could be adjusted and computed. After patient waiting, after failure on your part to respond affirmatively or negatively, the Confederate Government, through its agent of exchange, did what was demanded by courtesy and justified both by former practice and the provisions of the cartel.

I now proceed to notice the misstatements of your letter. I will not call them "deliberate," although you had the means of correcting them

at your hands, for such phraseology, so open to the imputation of discourtesy and coarseness, finds in such communications as the present only the precedent of your example.

First. Your computation of paroles is incorrect on both sides. As to your item of 1,208 officers and 14,865 men, embraced by the first five sections of my exchange notice, I have no exception to make. Some of our Vicksburg rolls were lost and I have not the means of making an accurate computation as to them. Your second item, however, of 72 officers and 8,014 men, embracing the sixth section of my exchange notice, is incorrect. In the first place, all the officers on both sides who have been delivered at City Point are exchanged. They were specially exchanged. Major Mulford knows that fact. All Confederate soldiers who were delivered at City Point up to May 23, 1863, including said date, were declared exchanged by Lieutenant-Colonel Ludlow, while the Federal troops were only exchanged up to May 6, 1863. The number of Confederate soldiers reduced to privates delivered at City Point from May 23 to July 25 (the date named in my notice) is 5,881, instead of 8,014. The rolls show this very clearly. Of the Federal troops on parole you say there are 76 officers and 19,083 men. If these officers are those delivered at City Point you make an error against yourself. They have been exchanged. From the 6th of May, 1863 (the time of the last exchange of Federal troops), to the 1st of September, 1863 (the time named in your notice), I have delivered at City Point alone, in privates, 18,610. All of these are on parole. I have other valid paroles in my possession amounting to at least 16,000 more. Allowing, therefore, that your Vicksburg computation is correct, you owe me upon the last notice which you have published more than 7,000, instead of my owing you 10,024, as you claim. Many of the 16,000 paroles to which I have referred have been acknowledged by Lieutenant-Colonel Ludlow in his correspondence. So much as to your computation and your exchange notice based upon it.

Second. You say I failed to announce to you "the sixth section of my exchange notice, as published in the Richmond Enquirer of the 10th instant, which covers 72 officers and 8,014 enlisted men." This is not so. On the 1st of August last I informed you in writing that I had declared exchanged all Confederate soldiers who had been delivered at City Point up to July 20, 1863. No deliveries were made at City Point between July 20 and July 25, and therefore one announcement was the same as the other. I did not inform you of the exchange of the City Point men in my letter of the 11th of September because I had already notified you on the 1st of August.

Third. You say I did not furnish you with any list, or even give the number of men, by which you could declare equivalents, nor did I give you any time to prepare your announcement. You were furnished with the lists of all paroled men delivered at City Point, numbering, up to September 1, 18,610 men. As to other paroles held by me, you failed to accept or decline the terms upon which they were to be computed and adjusted and therefore it was useless to send them. You had, or ought to have had, duplicates of many of them in your possession. If there was any particular capture on parole, or any special class of paroled men whom you wished to declare exchanged, you had only to announce that fact and the lists would be furnished if I had them and you had not. With what propriety could I send you lists which I believed to be in accordance with the cartel, but which you intimated you would decline to acknowledge? Moreover, according to my interpretation of the cartel, that instrument very clearly gives the

right to you to select what Federal officers and men shall be relieved from their parole whenever I discharge our officers and men from their parole. I claim the same right when you declare an exchange of your paroled men. If I had sent you lists of such of your officers and men as were relieved from their parole by my declaration of exchange, I would in effect have violated that provision of the cartel which gives the right to "each party to relieve from parole such of their own officers and men as the party may choose." It was entirely unnecessary for me to give you the number of men whom my notice declared exchanged. They were all Vicksburg captures or City Point deliveries. You had the rolls of both. You had in your possession as much information as I could communicate, even if I had held the Vicksburg rolls, which I did not. I have already proved to you by the record that the former Federal agent when he declared exchanges gave neither lists nor the number of men. There is, however, a more recent case. You yourself have just declared a sweeping exchange. You have not furnished me with any lists or designation of corps, division, brigade, regiment, or company, notwithstanding the clamor you have raised about my omission in those particulars. Your objection as to want of time for the preparation of your announcement is a small one at best. The cartel does not make it incumbent upon me to give you time. Your predecessor did not give it to me. The correspondence, however, between us before the 12th of September was of such a nature as must have prevented a surprise.

Fourth. I did not make any such agreement with your predecessor, Lieutenant-Colonel Ludlow, as you state, nor did I ever make any agreement with any one by which I renounced the right to claim the paroles given at Gettysburg. The first official letter which I ever addressed to you was in relation to this very subject. It bears date August 1, 1863, and is as follows:*

The General Order No. 100 issued at Washington, which Lieutenant-Colonel Ludlow communicated to me on the 23d of May, 1863, in its 131st paragraph provides that "if the Government does not approve of the parole the paroled officer must return into captivity, and should the enemy refuse to receive him he is free of his parole." In no communication, in no interview with either Lieutenant-Colonel Ludlow or yourself, where the subject was under consideration, did I ever fail to demand that if your Government rejected the paroles the parties should return into captivity. I had the warrant of your own general order for that demand, but pleaded it in vain. So far from carrying out its own general order your Government on the 30th of June last, while the order was in force and before the publication of General Orders, No. 207, convened a court of inquiry, and required the court to give its opinion on the following point, to wit: Whether Major Duane and Captain Michler, captured and paroled on the 28th of June, 1863, should be placed on duty without exchange, or be required to return to the enemy as prisoners of war. The general order required the latter, but the court found that the Government was free to place those officers on duty without exchange. The reason given by the court was not that the Federal agent and myself had agreed to regard such paroles as invalid, but that I had been notified they would not be recognized. It is true that I was informed that certain paroles would not be considered as valid, but I was also notified at the same time, by the same hand and through the same instrument, that the "paroled officer" must return into captivity if his parole was not approved. In other

* See p. 167, last communication.

words, on that day, May 23, 1863, Lieutenant-Colonel Ludlow, with little or no comment, delivered to me General Orders, No. 100, as the rules adopted for the government of the Federal Army. I never had any intimation that all the provisions of General Orders, No. 100, did not continue in force until I received on the 8th of July, 1863, the following letter from Lieutenant-Colonel Ludlow:*

The "notice" referred to in Lieutenant-Colonel Ludlow's letter was the delivery of General Orders, No. 100, with its one hundred and thirty-first paragraph. That paragraph was set aside by the provisions of General Orders, No. 207, which bears date July 3, 1863, three days after the submission of the question of the paroles of Duane and Michler to the court of inquiry, two days after its finding, and several days after our captures in the Gettysburg campaign. On the 7th of July, 1863, Lieutenant-Colonel Ludlow substantially informs me that, although he notified me on the 22d of May that paragraph 131 of General Orders, No. 100, was to be continued in force, yet, under the circumstances of the case, and in view of what had taken place in Maryland and Pennsylvania, said paragraph was not to be considered as being in force at any time after the 22d of May, and General Orders, No. 207, although it was issued July 3, 1863, should be construed as bearing date the 22d of May preceding.

It will be observed that Lieutenant-Colonel Ludlow in his letter to me of the 7th of July nowhere says I had made any agreement with him, and yet it bears the same date as his letter to Colonel Kelton. It is apparent on the face of the paper that he is conveying to me certain information for the first time, and that this information is the "additional provisions" of General Orders, No. 207, one of which set aside paragraph 131 of General Orders, No. 100. The court of inquiry in its finding (see Army and Navy Official Gazette, July 14, 1863) says I was "notified," &c. Lieutenant-Colonel Ludlow in his letter to Colonel Kelton says it was distinctly "understood" between Mr. Ould and himself, &c. You in your letter of the 24th of September say I made an "agreement" with your predecessor. The notification first rises to an understanding, and is then elevated into an agreement. What further promotion it will receive remains to be seen.

You have charged a deliberate breach of good faith upon the part of the Confederate States. Let me bring to your attention an incident connected with this matter of release from paroles: On March 9, 1863, General Schenck, of immortal memory, issued a General Order, No. 15, requiring all officers and men who had been captured and paroled in his department, and particularly in the Shenandoah Valley, but who had not been exchanged, to return to duty on penalty of being considered deserters. Your general order in force at that time—No. 49, February 28, 1863—in section 8, provided that if the engagement which a prisoner made was not approved by his Government, he was bound to return and surrender himself as a prisoner of war. The same General Orders, No. 49, in the same section 8, uses these memorable words, which I now set up against your present extraordinary claims, to wit: "His own Government cannot at the same time disown his engagement and refuse his return as a prisoner." In spite of those honest words General Schenck issued his order, which to this day has not been countermanded, in effect directing not only that such as were captured and paroled after March 9, 1863, should return to duty, but also all who had been captured and paroled under the circumstances named since the beginning of hostilities, on penalty of being considered deserters.

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* See p. 90.

At that very time and afterward, even to as late as Stoneman's raid, the former agent of exchange was charging against me and receiving credit for captures and paroles similar to those repudiated by Schenck's order. It is due to Lieutenant-Colonel Ludlow that I should say that when the matter was brought to his attention he declared that Schenck's action was without proper authority, and that I would have credit for such as reported for duty under the order. Still the order was not countermanded, but, on the contrary, has been followed and sustained by General Orders, No. 207. I have received no returns of such as have reported under Schenck's order and never will.

In your letter of the 24th of September, and others, you refer, in connection with our Gettysburg captures, to "paroles not in accordance with the cartel." The phrase figures not only in your correspondence, but in the findings of your courts and in some of your general orders. Let me here in the most formal manner assure you that the Confederate Government considers the cartel to be binding and imperative to the fullest extent of any and all of its provisions. I have never asked you to respect a parole which is inconsistent with that instrument. You say the Gettysburg paroles are in contravention of the cartel. Let me give you some of them—all or nearly all of them belong to one or the other class:

I, the subscriber, a prisoner of war, captured near Gettysburg, Pa., do give my parole of honor not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the interests of the same, until regularly exchanged. In the event that this parole is not recognized by the Federal authorities, I give my parole of honor to report to Richmond, Va., as a prisoner of war within thirty days.

JOHN E. PARSONS,
First Lieut. and Adjutant One hundred and forty-ninth Pennsylvania Volunteers.

I, the subscriber, a prisoner of war, captured near Gettysburg, Pa., do give my parole of honor not to take up arms against the Confederate States, or to do any military duty whatever, or to give any information that may be prejudicial to the interests of the same, until regularly exchanged. This parole is unconditional, and extended to a wounded officer for the sake of humanity, to save a painful and tedious journey to the rear.

ROY STONE,
Colonel One hundred and forty-ninth Pennsylvania Volunteers.

We, the undersigned, of the company and regiment opposite our names, do solemnly swear that we will not take up arms against the Confederate States of America until regularly exchanged, in accordance with the cartel, even if required to do so by our Government.

The following-named prisoners, captured near Gettysburg, Pa., are paroled on the following conditions, namely: Not to take up arms against the Confederate States, or do any military duty whatever, or to give any information that may be prejudicial to the same, until regularly exchanged. This parole is unconditional, and if not recognized by the authorities of the United States Government, all pledge themselves to repair to Richmond as prisoners of war at the expiration of twenty days from this date.

Does the cartel contemplate that these officers and men should be returned to duty without exchange? It nowhere says so upon its face. When we were without any cartel all such paroles, and in fact all military paroles, were respected. The very first act of the agents of exchange was to adjust mutual accounts as to the officers and men who had been captured and paroled before the cartel was signed. If it had been intended by the cartel to repudiate such paroles as were given at Gettysburg, or upon any battle-field, a provision to that effect in distinct terms would have been incorporated in it. That instrument was intended to apply to "all prisoners of war held by either party"—to such as were in military depots or prisons—to such

as had been removed from the battle-field or place of capture and reduced into actual possession. It left the force and effect of military paroles and the respect which should be paid to them to be determined by the usages of civilized nations of modern times. It certainly did not purpose to prevent a wounded officer or man from entering into a stipulation not to take up arms until exchanged as the condition of his release when his life would be at the serious risk of forfeit if he did not make the contract. Nor does it anywhere deny the right of any soldier, wounded or not, to bind his Government by his military obligation when he is in the hands of the enemy. The latter part of article 7 does not really controvert this view. That clause intended to give "the commanders of two opposing armies" the power of declaring an exchange of prisoners, with the further right of paroling whatever surplus there might be after the exchange was arranged. Without such clause the two commanders would have no right to declare an exchange. It was therefore inserted. Until recently nobody ever pretended that the cartel forbid the giving and receiving of ordinary military paroles. The uniform practice under the cartel for nearly a year sanctioned them. Whatever, however, may be the determination as to this matter, it is entirely clear that at the time the Gettysburg paroles were given your own military law required that if the parole was not approved the party should return to our lines. Many of the paroles indicate on their face that the persons giving them were aware of that fact. I have therefore demanded that if you reject these paroles the parties who gave them should be returned to us. The question between us is not so much whether you will regard these paroles as valid, as whether you will comply with a rule of your own making, and which was advertised to us as being the controlling law of the case.

I know not what you mean by your reference on your third page to article 4 of the cartel. All the officers and men whom I declared exchanged were "actually restored to our lines." All of the officers and men whom I requested you to select as equivalents for them in the exchange "had been restored to your lines." The parties whom I have declared exchanged have not been "returned to their paroles as requested by Lieutenant-Colonel Ludlow." I do not understand by what sort of reading of the exchange notice of the 12th of September you make out that only "two officers (Generals Stevenson and Bowen)" were exchanged. My letters of July 13, September 11, and September 26 will inform you of all the Vicksburg prisoners, officers and men, whom I have declared exchanged.

Your objection to the declaration of the exchange of the general officers paroled at Vicksburg, because there were no equivalents of the same grade, is exploded by the provision of the cartel which declares "that men and officers of lower grades may be exchanged for officers of a higher grade."

I have thus answered all the items of your letter of the 24th of September. I regret the extreme length of the reply. I have, however, confined myself to the matter of that letter and to such subjects as were directly connected with its contents. In a future communication I will call to your attention the instances of the violation of the cartel by the Federal authorities. Notwithstanding the expression of their sudden regard for that instrument, I will show they have continued those violations from its date to the present moment. I now inform you, in view of the recent declaration of exchange made by you, coupled with your failure either to agree to or decline the proposition made to

you on the 24th of August last in relation to paroles, that the Confederate authorities will consider themselves entirely at liberty to pursue any course as to exchange or paroles which they may deem right and proper under all the circumstances of the case. At the same time I am directed to express their entire willingness to adopt any fair, just, and reciprocal rule in relation to those subjects without any delay.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, *Washington, October 3, 1863.*

P. H. WATSON, *Assistant Secretary of War:*
(Care Col. E. S. Sanford, New York.)

You will please proceed as soon as convenient to Davids Island, N. Y., and make a thorough inspection of the rebel camp hospitals there, and correct any abuses that may exist by removing such officers or persons in any way connected with the hospitals as you may deem proper for that purpose, and establishing any regulations the service may require, reporting to this Department.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, *October 3, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Your order relating to Lieutenant-Colonel Alston has been executed. Will leave this evening. Rev. Mr. Baird was arrested and is now in custody of our guard.

E. B. TYLER,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, October 4, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange, Washington, D. C.:

SIR: I have the honor to inclose to you herewith copies* of two letters received this day from Mr. Ould. You will perceive that he declines the proposition for the exchange of surgeons unless Doctor Rucker is left to his fate. We are still holding Surg. R. J. Freeman, of the Atlanta, as a hostage for Asst. Surg. W. W. Myers, U. S. Navy. I send the steamer New York to-day to Fort McHenry for the chaplains and I will go to City Point and see Mr. Ould when she returns. Before having an interview with Mr. Ould I should be pleased to have it in my power to give him some definite information in relation to the status of General Morgan and his command. Are they still confined in the penitentiary? Colonel Streight and his command are now treated as other prisoners of war. When I had the pleasure of seeing Colonel Hoffman, he informed me that the U. S. authorities did not authorize the treatment which General Morgan's officers received when imprisoned at Columbus.

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* See Ould to Meredith, p. 337, last communication, and p. 338.

I have also the honor to acknowledge the receipt of your two communications of October 2, which shall be attended to at my next interview with the rebel agent of exchange.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner for Exchange.

WASHINGTON, *October 5, 1863.*

General S. A. MEREDITH,

Commissioner for Exchange of Prisoners:

SIR: I inclose a communication from Mr. Wood, the superintendent of the Old Capitol Prison, which I find upon my table this morning. I wish you to show this communication from Mr. W. to Mr. Ould, and confer with him on the subject to which it points, bearing in mind this point, that the Government will not agree to a rule, such as Mr. Ould has often proposed, by which the people in rebellion could not be arrested; but, at the same time, and the practice hitherto fully bears me out in saying, that there is no disposition to harass and annoy citizens simply as such. In all cases heretofore, so far as I know, whenever Southern people have been arrested it has been for special reasons, marking the individuals as separated from the mass of a community. I wish you to have a free explanation with Mr. Ould, with a view to the release of the parties referred to by Mr. Wood, and it will be necessary for you to say that although we have hitherto refrained from the arrest of citizens, as such, the detention of citizens in the Richmond prisons or elsewhere in the South as Union men will oblige us to resort to similar proceedings. As I recently wrote to you, I know of no case of a citizen of the South being held by us as such, and I wish you to invite Mr. Ould to name any within his knowledge, and if he can name any such we will send them home, and if we have not enough (if we have any at all) to offset those whom he may release, the number can be doubled or trebled by due order to our commanders to arrest them and send them here to be exchanged. Surely Mr. Ould will not wish to oblige us to [take] this step.

Some time ago we arrested two citizens in Virginia for special cause; the Richmond authorities arrested two Union men to answer for them, without any other cause. The two men were paroled for three weeks, as I hear, and then returned to Richmond, where they now are. If these men are not released I shall be obliged to employ the means I have just suggested. Hoping that you and Mr. Ould may together accomplish something for the relief of individual suffering,

I am, respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

[Inclosure.]

OLD CAPITOL PRISON, *Washington, October 5, 1863.*

General E. A. HITCHCOCK,

Commissioner for Exchange of Prisoners:

SIR: I take the liberty of stating that I am in possession of recent and reliable information that a number of Pennsylvanians, who were taken prisoners in the recent raid of General Lee in that State, are now incarcerated in Castle Thunder, one of the Richmond prisons;

also, three of the First Maryland Cavalry, who have been in prison over twelve months; Virginians, North Carolinians, Tennesseeans, and others, loyal and true to the United States Government, who have endured similar imprisonment for a long time (over fifteen months). As winter is fast approaching, I deem it my imperative duty to suggest to you the use of every available means to effect the release of these unfortunate fellow-beings from their destitute and deplorable condition and restore them to their respective homes. In furtherance of this object, I respectfully state that I have in my custody several disloyal or Confederate citizens, among whom are Messrs. Granville J. Kelley, A. Nichols, Gustavus B. Wallace, and S. P. Bailey, whom I believe to be men of veracity and fully competent and willing to visit Richmond, Va., and execute such arrangements tending to the release of any equivalent number of our people that may meet the concurrent approbation of our and their military authorities. I therefore ask that the objects of this communication may claim your early and favorable consideration.

I have the honor to be, your obedient servant,

WILLIAM P. WOOD,
Superintendent Old Capitol Prison.

WASHINGTON, *October 5, 1863.*

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners:

SIR: If Colonel Streight and his command have not been released with others to make up the equivalent for paroled officers and men declared exchanged by Mr. Ould, I wish you to obtain from Mr. Ould a distinct reason why it has not been done.

Inform Mr. Ould that our treatment of General Morgan's command hangs upon his decision in this matter, and upon the disposition made in the South of officers of colored regiments and their commands.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, &c.

P. S.—I have not yet heard of the condition of Colonel Powell. Why is he not released?

E. A. H.,
Major-General.

WASHINGTON, D. C., *October 5, 1863.*

Col. COLLETT LEVENTHORPE, *Baltimore, Md.:*
(Through the Commanding General, Baltimore.)

SIR: Your communication of the 24th ultimo, addressed to the Secretary of War, requesting to be paroled or exchanged, has been handed to me with an indorsement (by order of the Secretary) to the effect that your "release will be ordered upon receipt of positive intelligence that the authorities at Richmond have released the number of officers of colored regiments constituting an equivalent to a colonel."

You are at liberty to address your Government on this subject, if you desire to do so, covering your letter to me for examination.

Respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

KNOXVILLE, *October 5, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

The following is an extract from order of rebel General Forrest, issued on 28th of September. I desire to know if there has been any exchange of the prisoners mentioned:*

Notice is given to all prisoners captured at Vicksburg that they have been exchanged, and are expected to rendezvous and rally again around their flag. You are released from all oaths and obligations to the Federal Government of any character and kind, and will be unmolested in returning to your respective commands.

S. P. CARTER,
Brig. Gen. and Provost-Marshal-General of East Tennessee.

LOWELL, *October 6, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose to you a copy of a note received from Brig. Gen. M. Jeff. Thompson, whom I knew in command of the forces immediately opposed to me at Ponchatoula, on the northern side of Lake Pontchartrain, when I was in command of the Department of the Gulf. The original I have sent as requested to Captain Thornton, of Brig. Gen. George F. Shepley's staff. Captain Thornton, a most valuable, brave, and efficient officer, was grievously wounded with at least seven bullet holes through his clothes and various parts of his body in the attack on Ponchatoula in September of last year, under the command of the late lamented Major-General Strong, then my chief of staff. Captain Thornton was left in the hands of the enemy and received of General Thompson every care and kindness, and at my request was sent to New Orleans upon his parole. This courteous consideration on the part of General Thompson I have no doubt enabled us, with the blessing of Heaven, to save Captain Thornton's valuable life.

General Thompson is now a prisoner at Johnson's Island, near Sandusky, Ohio. If not inconsistent with public service, I most earnestly ask that General Thompson may be released upon his parole. While I can testify to the uniform urbanity and courtesy with which all the operations of General Thompson were conducted, I am most decidedly of opinion that the kindness which he showed to Captain Thornton alone should entitle him to every possible consideration. That kindness was not alone given to the officers, but the wounded men spoke of his treatment with the utmost gratitude. I found him a troublesome enemy enough, but of his humanity, which was in contrast with the conduct of General Taylor, leads me to ask this favor for him at the hands of the Government. As I am not much in the habit of asking leniency for rebels, I trust the War Department will take it as a guarantee that this is a proper case for the extension of every indulgence.

I am, most respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General of U. S. Volunteers.

[First indorsement.]

WASHINGTON, *October 12, 1863.*

Within a few months past circumstances in the South—especially threats against Captains Sawyer and Flinn and against officers of colored troops in the U. S. service—have made it necessary to detain in prison such officers of the rebel service as may be taken prisoners,

* For reply, see Series I, Vol. XXX, Part IV, p. 233.

the only object being to secure such treatment to our troops as may fall into rebel hands as the laws of war entitle them to. I do not recommend a departure from this policy until the rebel authorities change their practice, both actual and threatened. I suggest, however, in justice to the honorable intervention of General Butler, that General Thompson be informed of the interest in his behalf taken by General Butler.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Second indorsement.]

Colonel HOFFMAN:

The Secretary of War deems no reply necessary.

[Inclosure.]

DEPOT OF PRISONERS,
Johnson's Island, near Sandusky, Ohio, September 28, 1863.

Maj. Gen. BENJAMIN F. BUTLER, U. S. Army,
Washington, D. C.:

GENERAL: About this time last year the fortunes of war placed in my hands a Captain Thornton of your command, wounded and a prisoner of war. You will remember that I sent Captain Thornton on parole back to New Orleans in your yacht. I promised Captain Thornton that if I was ever captured I would notify him of my whereabouts, that he might return the favor which he thought I extended to him. I do not think that Captain Thornton is under any obligations to me, as I simply acted toward him as I have to all gentlemen who have been so unfortunate as to be captured by me, but in conformity with my promise I would like to let him know that I am here; and, as I do not know his address, and understanding at the time that he was a personal friend of yours, I hope it will not be presuming to request you to forward him this letter, let me know his address, or otherwise let him know that I am at this prison, as may be most convenient or agreeable to yourself.

Yours, most respectfully,

M. JEFF. THOMPSON,
Brigadier-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 6, 1863.

Brig. Gen. A. SCHOEPF,
Commanding Fort Delaware, Del.:

GENERAL: In many cases on application for discharge by prisoners of war the decisions have been unfavorable, but they are not to be considered as final. It is probable that when circumstances are such as to justify it, many or all of these applicants will be discharged, and if there are among the prisoners others who have made no application, but who do not wish to be sent South for exchange, preferring to take the oath of allegiance and remain North, they, too, may be discharged. In the meantime men so disposed will not be forwarded for exchange until a decision is had in their cases.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Copies of the foregoing letter sent to Brigadier-General Marston, commanding depot prisoners of war, Point Lookout, Md.; Brig. Gen.

John S. Mason, commanding, Columbus, Ohio; Brig. Gen. N. C. McLean, provost-marshal-general Department of the Ohio, Cincinnati, Ohio; Col. J. S. Simonson, commanding District of Indiana and Michigan, Indianapolis, Ind.; Col. C. V. De Land, commanding Camp Douglas, Chicago, Ill.; Col. P. A. Porter, commanding Fort McHenry, Baltimore, Md.; Capt. S. E. Jones, provost-marshal, Louisville, Ky.; Lieut. Col. W. S. Pierson, commanding depot prisoners of war, Sandusky, Ohio; Lieut. Col. J. O. Broadhead, provost-marshal-general, St. Louis, Mo.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 6, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: D. T. Chandler, a political prisoner at the Old Capitol, has applied for permission to visit Richmond on parole with a view to effect the exchange of himself for Andrew Johnson, the nephew of Governor Johnson, of Tennessee, now a prisoner at Richmond. A parole for this purpose will be granted to Colonel Chandler with the condition that if he fail to effect the proposed exchange within thirty days he will return to this city and surrender himself to the Federal authorities, provided permission is granted by Mr. Ould or other authorized agent of the authorities in Richmond, with the assurance that the terms of the parole which Colonel Chandler shall give shall be respected by said authorities. Will you please refer this matter to Mr. Ould and forward his reply to this office?

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Indorsement.]

OCTOBER 16, 1863.

Respectfully returned to Brigadier-General Meredith, agent of exchange. The terms named within will be respected and observed by the Confederate authorities.

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 6, 1863.

Col. C. A. WAITE, *Commanding, Annapolis, Md.:*

COLONEL: In reply to your letter of the 30th ultimo, suggesting that authority be granted you to furnish transportation to their homes citizens released from the prisons in Richmond who arrive at Annapolis in a destitute condition, I have to inform you that it is not thought advisable to give general instructions to meet the cases referred to. Special instructions will be given to meet cases of peculiar hardships and destitution when they are reported.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 6, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I am in receipt of your letter of the 30th with regard to overcoats. There has been great complaint for some time respecting overcoats and blankets. I have not allowed them except in a few cases where the persons were sick and wounded. It is now very cold. I have given the sutler permission to sell coarse gray overcoats since the receipt of your letter. It is often the case that friends will send an overcoat, or other clothing, when they will not send money. Sometimes they are not new. If a prisoner writes for clothing, I direct that it shall be plain gray. Sometimes it comes unexpectedly to prisoners of some other color. Shall I allow overcoats of any other color, or if one comes refuse its being delivered? It is impossible to send such things back, as the express company will not receive it without prepayment of charges. There is a large amount of citizens' clothing in the yard. Very many prisoners come with full suits of clothing, both civil and military. It is often the case that it is a condition of surrender that the officers retain their private property. The Port Hudson prisoners have large stocks of clothing, both civil and military, whether purchased since capture or not I am unable to say. I mention these facts to show that it is impossible to keep prisoners, trying to escape, or being removed for any purpose, in uniform under these circumstances. It has seemed to me important to have the prisoners provide themselves without expense to the Government, as far as possible, and I have no doubt very many overcoats will be sent here without the knowledge of prisoners until they arrive, and I would like your views on the importance of their being all gray. Many prisoners desire to purchase blankets or shawls. In fact they are the coldest set I ever saw.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

HEADQUARTERS FORT MCHENRY, MD.,
October 6, 1863.

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners:

COLONEL: I am instructed by Bvt. Brig. Gen. W. W. Morris to acknowledge the receipt of your letter of August 18, 1863, doubtless in reply to his communication of July 30 to Lieutenant-Colonel Chesebrough, and by him forwarded to you. You state that "captured negroes are ranked as camp followers and therefore prisoners of war."

It is respectfully suggested that they be employed in the service of the Government as paid laborers and teamsters, thus rendering service to the Government and avoiding the return to slavery of such as were slaves. It is further suggested that those among them who are freedmen with families and desire to go should be sent South with the first installment of prisoners going thither, as exchanged prisoners or not, as the Government thinks best.

If the questions here raised are beyond your jurisdiction, it is respectfully asked that this communication be forwarded by you to the Secretary of War.

I remain, colonel, respectfully, yours,

P. A. PORTER,
Colonel Eighth New York Vol. Art., Comdg. Fort McHenry.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 8, 1863.

Respectfully referred to the Secretary of War, with the recommendation that the negroes who have been slaves be released on taking the oath of allegiance.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

I do not recommend that any colored men be sent South for exchange either with or against their will. If there are any who wish to be discharged upon oath of allegiance I see no reason for refusing them the privilege of doing so. If any prefer to go South I would recommend their being detained as prisoners, but not as prisoners of war, and would employ them or not, as circumstances might render expedient, under the directions of the commanding officer.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Third indorsement.]

WAR DEPARTMENT, *October 12, 1863.*

Respectfully referred to Colonel Hoffman for report as to how many captured negroes are concerned and as to where they were captured. Where are they now confined?

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

LIBBY PRISON, *Richmond, October 6, 1863.*

Brig. Gen. S. A. MEREDITH:

SIR: Our men held as prisoners here are suffering and dying from exposure for the want of necessary clothing, and their condition is daily becoming worse and worse. Some are without hats, some without shoes, nearly all without stockings, blankets, or overcoats, and all needing shirts. Many of our officers are lying on bare floors, and none of them sufficiently provided with blankets. These articles the Confederate authorities frankly say they cannot furnish, but will allow them to be furnished by our authorities and to be distributed by any one of our officers that may be designated for that purpose. Blank clothing accounts should be furnished with the clothing. Any one of the officers here will gladly be charged with the duty of distribution.

I have the honor to be, very respectfully, your most obedient servant,

WM. IRVINE,
Lieutenant-Colonel Tenth New York Cavalry.

[Indorsement.]

I respectfully recommend that orders be sent to the quartermaster at Fort Monroe to issue on the requisition of General Meredith such clothing (in kind and amount) as he may certify that, in his opinion, may be necessary for the comfort of our men in prison at Richmond, to be receipted for by a designated Union officer, and by him issued to the men receipting for it, under such directions as General Meredith may direct, under the sanction of the agent from Richmond.

E. A. HITCHCOCK,
Major-General of Volunteers.

MERIDIAN, MISS., *October 6, 1863.*

General S. COOPER, *Richmond:*

I respectfully suggest the advantage of exchanging the officers captured at Port Hudson that they may organize their troops.

J. E. JOHNSTON.

[First indorsement.]

Respectfully submitted to Col. R. Ould, agent of exchange.

JNO. WITHERS,
Assistant Adjutant-General.

[Second indorsement.]

OCTOBER 12, 1863.

Respectfully returned to General S. Cooper.

The officers captured at Port Hudson are either at New Orleans or at Johnson's Island, most of them at the latter place. Of course they cannot be exchanged unless the enemy delivers them to us, and that I cannot make them do. If General Johnston will suggest some way in which they can be made to do so I will be very much obliged to him. As soon as I get those officers in hand I will exchange them.

RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, *Washington, D. C., October 7, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: The following prisoners were a part of the crew on the pirate ships Florida and Tacony—went into Portland Harbor and seized the revenue cutter and were captured.*

All these prisoners swear that they did not know the piratical character of the vessel when they shipped and had no chance of escape afterward. They captured and burned about thirty-eight vessels while in the pirate service. Wilton and Lauson want to take oath of allegiance and enlist in the U. S. service. These prisoners should not be discharged or exchanged.

The following prisoners were captured in running the blockade. Some of them had before been captured and exchanged. None of them will take the oath of allegiance, claiming to owe their allegiance to the Confederate States, and all captured under circumstances that should prevent their discharge unless by exchange.*

The sworn statements of the above prisoners are on file in my office. The following prisoners I recommend shall be released from Fort Warren on their sworn parole not to go south of Philadelphia or within the rebel lines during the war or till further order: Captured running blockade—John J. Jowett, forty-three years old, printer; George J. Blakesly, forty-three years old, home, Alabama; C. J. Roundtree, thirty years old, North Carolina; Nathaniel Stanton, fifty-seven years old, Alabama. Sworn statements of the above in my office.

Respectfully submitted.

L. C. TURNER,
Judge-Advocate.

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* Names omitted.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, October 7, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

I have the honor to suggest the following changes at Camp Chase be authorized at the earliest practicable period: First, that a prison hospital, or rather a hospital prison, for prisoners of war, be erected according to the plans submitted. This matter has been delayed, as we had hoped to get Camp Chase moved ere this. Having failed in this it becomes absolutely necessary to increase the hospital accommodations largely. Second, that authority be given to change the location of Prison No. 3. It is now in the center of the camp, is very foul from want of sufficient drainage, and cannot be well drained without being a nuisance to the whole outside camp, and is a perfect eyesore to the camp. It can be placed near the other prisons, having all near together in one end of the camp and more easily guarded, and can be re-erected, giving increased accommodations. Third, that authority be given to erect a chapel and reading-room out of the fund for paroled prisoners, which now amounts to about $3,000, also to purchase a small library and subscribe for the different daily papers and periodicals. Fourth, I also desire to call your attention to the fact that the commissary department has taken the ovens in charge and issue bread instead of flour, thus depriving the post of its savings by baking, to which it is justly entitled. Hoping you will give these matters early attention,

I have the honor to be, your obedient servant,

JNO. S. MASON,
Brigadier-General of Volunteers.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 12, 1863.

Respectfully submitted to the Secretary of War.

I fully concur with General Mason in recommending that Prison No. 3 be removed. It originally formed part of the camp, and the buildings were inclosed in an emergency to receive prisoners who had arrived when there was no place to put them. I also concur in the general's recommendation that a prison hospital be erected. The cost of building the hospital and a prison for 1,000 men adjoining the other prisons will be about $10,000. I also recommend that a chapel be erected and a reading-room be established out of the paroled prisoners' fund. The subsistence department is authorized to issue bread instead of flour and the general's request in this particular cannot be recommended.

Very respectfully,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, October 7, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I received this evening your communication concerning the exchange of prisoners. There is a large number here who do not desire to be exchanged. Some wish to take the oath of allegiance, and

some are willing to enter the naval and a few the military service of the United States. Others, if allowed to take the oath of allegiance, would, I have no doubt, soon find their way into the rebel army.

I am, very respectfully, your obedient servant,

G. MARSTON,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 7, 1863.

Hon. SCHUYLER COLFAX, *South Bend, Ind.:*

DEAR SIR: I am informed by General Meredith that Mr. Ould, the rebel agent at Richmond, provides that all money sent to prisoners in Richmond prisons shall be honestly delivered or accounted for. If it is received in gold it will be handed over in that shape, or it will be converted into Confederate currency at the market rates, as may be desired. Greenbacks are not recognized as a legal tender, but they will generally sell it for their own money, so called, at the option of the owner. Whether these promises can be depended on is somewhat doubtful, but as I have been very careful to have all money belonging to prisoners of war carefully accounted for, and as all that is forwarded through General Meredith, as all should be, will be receipted for, I think they will not have the hardihood to steal it. It is also arranged that blankets, clothing, &c., may be sent to the prisoners through General Meredith, and by way of trying the experiment, I have recommended to the War Department to send 500 blankets, to be followed, if the way seems to be safe, with articles of clothing. If this understanding can be carried out, our friends in Richmond will be much better off than they are now, but at best their condition will be sufficiently deplorable. I am sorry to say that there is little prospect of further deliveries of any but sick and wounded enlisted men. Mr. Ould reports that Colonel Streight and his officers are on the same footing with other prisoners of war, and they are getting impatient that Morgan and his crew are still in the penitentiary. If you wish to send any money to friends in Richmond I will be very glad to forward it and get a receipt to show that it is really delivered.

I am, very truly, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 7, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing a notice of further exchanges declared by Mr. Ould.* The staff of General Pemberton, as far as the rolls show, consists of 2 lieutenant-colonels, 2 majors, 3 first lieutenants, and 1 second lieutenant, being equal to 62 enlisted men. The officers and men of the engineer corps and sappers and miners named in Mr. Ould's letter equal 76 enlisted men, making in all 128 enlisted men to be added to the number declared exchanged in excess of Federal troops paroled to September 1 and declared exchanged. There are

* See Ould to Meredith, September 26, 1863, p. 322.

now at Camp Parole, near Annapolis, Md., 1,371 enlisted men delivered at City Point during the month of September, and I suggest that you at once declare all prisoners of war received at City Point up to 1st of October exchanged. There were paroled at Vicksburg after its capture by General Grant 115 citizens, and Mr. Ould will doubtless declare them exchanged whenever he finds it convenient. I have heard of the arrival of a number of citizens at Annapolis, delivered at City Point, but as I have been furnished with no rolls, I do not know on what conditions they were released. Cannot you declare them exchanged and offset them by as many of the Vicksburg captures? Lists of rebel officers held by us and of the deaths in hospitals will be sent you in a few days. Reports from hospitals do not come in before the 10th.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, October 7, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have just received your telegram of the 6th instant, inquiring where Captain Winder, hostage for Captain Sawyer, is confined. I do not know. When I received the order from Major-General Halleck to select General Lee and another officer not below the rank of captain, there was none of the latter grade in confinement within the Department of Virginia. In acknowledging the receipt of the order, I so stated. I was informed afterward that Captain Winder had been selected. I supposed that he was in confinement with other Confederate officers under your direction. In my notice to Mr. Ould, a copy of which I handed to the Secretary of War, I informed him, Mr. Ould, of the selection of General Lee and another officer whose name would be sent to him. I inclose copy of the notice.* Having been relieved from duty, I have had no correspondence of any kind with Mr. Ould and have had no instructions as to the name of the officer.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,

Lieutenant-Colonel and Assistant Inspector-General.

FORT MCHENRY, *October 7, 1863.*

Colonel HOFFMAN,

Commissary-General of Prisoners, Washington City, D. C.:

SIR: I addressed you through the commanding officer of this post on the 13th of July last, calling your attention to my case. On the 8th of August I addressed a communication through the same officer to the Secretary of War, asking him to have my case referred to the Judge-Advocate-General for a decision, if proper, or that I might be sent to Brigadier-General Kelley, commanding at Harper's Ferry, and to be paroled to go to my home inside of the Federal lines, on account of my infirm health from long confinement, until a final decision could be had. I again addressed you on the 26th of August, referring you to my letter to the Secretary of War of August 8, asking you to take some action toward effecting my final discharge and exchange. Not hearing from

* See Ludlow to Ould, July 16, p. 1127.

you, I am constrained to address you again, hoping that some action may be had in my case. Justice asks it. Humanity demands it. God enjoins it: "Do unto all men as you would they should do unto you." I have been in confinement ten months. The evidence in my case has all been taken and recorded, and as I stated to you in my letter of July 13, to which I refer you, there is not a particle of evidence to criminate me. There was no flag of truce. The parties were not soldiers, but spies; and it was positively proven that I was in Charlestown, eight miles from the place, when the occurrence took place with which I am charged. I was captured prior to any interruption of exchanges, and all officers captured long since have been exchanged. I am entitled to my exchange as soon as the charges against me can be removed. I certainly have been detained sufficiently long to have had a full and fair investigation, and should not be made to suffer when innocent. Permit me to urge this matter, hoping that you may give it your earliest attention.

Very respectfully,

ROBERT W. BAYLOR,
Captain, Twelfth Virginia Cavalry, C. S. Army.

[Indorsement.]

OFFICE OF COMMISSARY-GENERAL OF PRISONERS,
October 13, 1863.

Respectfully referred to the Secretary of War, to be considered with papers referred on the 31st of August. On July 17 a petition of Captain Baylor to be informed of the result of his trial was referred to Major-General Schenck, but no reply was made.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

FORT DELAWARE, DEL., *October 7, 1863.*

Surg. J. SIMPSON, U. S. Army,
Medical Director Middle Department, Baltimore, Md.:

SIR: I have the honor herewith to transmit a list* of the deaths of prisoners of war at this post during the month of September. The mortality is to me fearful and it is a melancholy proof of your oft-expressed views as to the unfitness of this wet island as a depot for large numbers of men.

I am, sir, most respectfully, your obedient servant,

H. R. SILLIMAN,
Assistant Surgeon, U. S. Army, in Charge.

[Indorsement.]

OFFICE OF MEDICAL DIRECTOR,
Baltimore, Md., October 9, 1863.

Respectfully forwarded to the Commissary-General of Prisoners, whose earnest and careful attention is drawn to the fact that out of, say, 7,000 prisoners not sick or wounded when sent to Fort Delaware some 300 have died in the past month. This is a horrid mortality, and I think mere humanity should cause us to select a more healthy place for prisoners of war.

GEORGE SUCKLEY,
Surg., U. S. Vols., and Actg. Medical Director Middle Department.

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*Omitted. Roll shows 317 enlisted men and 14 citizens.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., October 7, 1863.

General S. COOPER,
Adjutant and Inspector General, Richmond:

GENERAL: The difficulty of collecting the Vicksburg and Port Hudson prisoners is much greater than was anticipated. Although their intention to return to service is no doubt made, still it is impossible to get them from their homes, except by armed force, until they are notified that they have been regularly exchanged. I cannot possibly spare a sufficient cavalry force from the front to gather these men up, and my only hope of securing their services is to be promptly notified from the War Office of their exchange as soon as made.

I am, general, very respectfully, your obedient servant,
E. KIRBY SMITH,
Lieutenant-General, Commanding.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
November 9, 1863.

Respectfully referred to Col. Robert Ould, commissioner, &c.
Is there any order relating to the Port Hudson prisoners to be issued?
By command of Secretary of War:
H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

RICHMOND, *November 12, 1863.*

Respectfully returned to the Adjutant-General.
Exchange Notice No. 7 specifically declares the Port Hudson prisoners exchanged. Notices Nos. 6 and 7 mention what Vicksburg prisoners have been exchanged.
RO. OULD,
Agent of Exchange.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 8, 1863.

Maj. Gen. J. G. FOSTER,
Comdg. Dept. of Virginia and North Carolina, Fort Monroe, Va.:

SIR: The proceedings of the military commission instituted for the trial of David M. Wright, of Norfolk, in Special Orders, Nos. 195, 196, and 197, of 1863, from the headquarters Department of Virginia, have been submitted to the President of the United States. The following are his remarks in the case:

OCTOBER 7, 1863.

Upon the presentation of the record in this case and the examination thereof, aided by the report thereon of the Judge-Advocate-General, and on full hearing of counsel for the accused, being satisfied that no proper question remained open except as to the sanity of the accused, I caused a very full examination to be made on that question, upon a great amount of evidence, including all offered by counsel of accused, by an expert of high reputation in that professional department, who thereon reports to me, as his opinion, that the accused, Dr. David M. Wright, was not insane prior to or on the 11th day of July, 1863, the date of the homicide of Lieutenant Sanborn; that he has not been insane since, and is not insane now (October 7, 1863). I therefore approve the finding and sentence of the military commission, and direct that the major-general in command of the department including the place of trial, and wherein the convict is now in custody, appoint time and place and carry said sentence into execution.

ABRAHAM LINCOLN.

The following are the finding and sentence of the commission:

Of the specification: Guilty.
Of the charge: Guilty.
And thereupon the court sentence the accused, David M. Wright, of Norfolk, physician, to be hung by the neck until he be dead, at such time and place as may be appointed by the major-general in command of this department or by the President of the United States. The court was unanimous in this sentence.

The President directs that you carry the sentence into execution in accordance with his orders above quoted.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., October 8, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchanges, Washington, D. C.:

SIR: In accordance with the instructions contained in your letter of the 5th instant, I submitted the letters from S. D. Culbertson and A. McInnes, esquires, therein inclosed, to Mr. Ould, informing him that we knew of no prisoners in our hands held under similar circumstances, and inviting him, if he knew of any, to name them, and make a mutual exchange. I explained to Mr. Ould that the U. S. authorities did not hold any person a prisoner on the ground that he was a citizen of the South, but always for some special cause. I also informed him that if he could not name any, that within twenty-four hours after any given time the U. S. authorities could seize any required number of secessionists in the South, to be exchanged for those referred to. Mr. Ould, in reply, stated that, notwithstanding, he would not make any special exchange, but that he was willing to make any arrangement which will be at all reciprocal, and he expresses himself perfectly willing to join in any general principle of exchange.

In this connection I will state that Mr. Ould informed me that the object of the rebel authorities in arresting citizens was a retaliatory measure, and for the purpose of bringing to bear such a pressure on the U. S. authorities as to cause them to refrain from making more arrests of sympathizers with the South.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

FORT MONROE, VA., *October 8, 1863.*

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchanges, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of your letter of October 5, 1863, and in reply I will state that at my interview with the rebel agent of exchange I demanded the release of Colonel Streight and his command to aid to make up the equivalent for paroled officers and men declared exchanged by him. Mr. Ould declined on the ground that on the last notice of exchange which we published the balance was in his favor, at the same time handing me a written statement to that effect, which I had the honor to hand you in person. His reply was the same in relation to Colonel Powell.

Mr. Ould informed me that he should proceed to declare exchanges, whenever he conscientiously felt that he had the right to do so, for the purpose of putting men into the field.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

CARROLL PRISON, *October 8, 1863.*

Col. ROBERT OULD,
Commissioner for Exchange of Prisoners:

COLONEL: On the 16th of July I was taken from our Confederate officers in the Old Capitol and placed in close confinement, as Superintendent Wood supposed, as a hostage for Captains Sawyer and Flinn. Since the release of Sawyer and Flinn from close confinement Mr. Wood has endeavored to have me released, but Colonel Hoffman, Commissary-General of Prisoners, will not order my release, nor will he state why or for what purpose I am still held in close confinement. The superintendent is unable to find out why I am held. I was placed in close confinement the same day that General Lee and Captain Winder were, and it was believed by all the officers of the prison that I was a hostage for Sawyer and Flinn. I would be extremely obliged to you if you would represent my case to General Meredith, and have me exchanged when our officers are and placed on the same footing with them until an arrangement for an exchange is effected. I am extremely anxious to know why I am held. Superintendent Wood has tried in vain to find out. I trust you will attend to my case at your earliest convenience.

Yours, very respectfully,

ROBERT H. TYLER,
Captain, Eighth Virginia Infantry.

[First indorsement.]

RICHMOND, *October 30, 1863.*

Respectfully referred to Brigadier-General Meredith, agent for exchange.

Will General Meredith inform me for what reasons Captain Tyler has been placed in close confinement?

RO. OULD,
Agent of Exchange.

[Second indorsement.]

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., November 2, 1863.

Respectfully referred to Col. William Hoffman, Commissary-General of Prisoners.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Third indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 10, 1863.

Respectfully submitted to the Secretary of War for his information. Captain Tyler states that he wrote the within letter at the suggestion of Mr. Wood, superintendent of the Old Capitol Prison, and that it was sent with his approval through Mr. Clark, his assistant.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 9, 1863.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: In reply to your letter of the 1st instant,* I have the honor to say that there is no objection to the visits of clergymen to the prisoners at stated times, provided the prisoners have no objections to such visits. There must, of course, be no doubt about the unqualified loyalty of the clergymen admitted, and their visits must be for religious purposes only, and not to engage in political discussions.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CAMP DOUGLAS, *Chicago, Ill., October 9, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington:

COLONEL: I desire to call your attention to the necessity of immediate action as regards the construction of the new barracks for prisoners at this camp. We have now more prisoners than we have barracks for, and are lodging them in outhouses and kitchens. There is plenty of vacant ground in the camp that can be used for building, aside from replacing those burned last year. I also desire the erection of an additional hospital building and a hospital laundry. The present accommodations are meager, temporary, and inconvenient. I am now using the chapel for hospital purposes.

Very respectfully, your obedient servant,

CHAS. V. DE LAND,
Colonel Michigan Sharpshooters, Commanding Post.

RICHMOND, *October 9, 1863.*

General J. E. JOHNSTON:

The officers captured at Port Hudson are prisoners in the enemy's hands and not exchanged, nor are they likely to be exchanged soon. The men there paroled or released are regarded as exchanged, and will be so announced.

S. COOPER,
Adjutant and Inspector General.

RICHMOND, *October 9, 1863.*

General BRAGG, *near Chattanooga:*

Chaplains are to be unconditionally released. Hope is entertained that a similar agreement may be made as to surgeons. In the meantime it is suggested that you retain those you have taken. If released, it may prevent the agreement.

S. COOPER,
Adjutant and Inspector General.

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* Omitted.

Maj. James B. Dorman makes a report of the fight at Wytheville and makes inquiries respecting paroled prisoners.

OCTOBER 9, 1863.

Respectfully returned to Col. J. S. Preston.

The men named within are not bound by the paroles given by them. The Yankee authorities have notified me that they would not expect us to recognize any such paroles given after the 23d of May last. They have also issued a General Order, No. 207, July 3, 1863, to the same effect. Their doctrine is that all captures must be reduced into possession and the parties delivered at City Point or at Vicksburg, unless the commanders of two opposing armies otherwise agree. If the Federals recognize the paroles given to us, I am ready at any time to give them credit for those given to them. This should satisfy the consciences of the parties. If the Yankees make any claim to these paroles they will be obliged to recognize ours, and in that event I will give the equivalents for these paroles. No one could ask more than that. The men can go to duty immediately.

RO. OULD,
Agent of Exchange.

Brig. Gen. W. H. F. Lee, C. S. cavalry, Fort Monroe, states that he has been informed that Captain Sawyer, for whom he is held as hostage, is not closely confined like himself and if so he asks that he shall receive the same treatment.

[Indorsement.]

OCTOBER 9, 1863.

Respectfully returned to General Meredith, agent of exchange.

Captain Sawyer is treated like all the other officers who are prisoners of war. He associates with them and is in the same room. As far as treatment is concerned he is under no ban or disability. I have so informed General Meredith before.

RO. OULD,
Agent of Exchange.

CHICAGO, ILL., *October 10, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of depot for prisoners of war near Sandusky, Ohio. I am now engaged inspecting Camp Douglas, Chicago, Ill.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure.]

Report of inspection of camp and field hospital at Depot for Prisoners of War near Sandusky, Ohio, October 7, 1863; A. M. Clark, surgeon and acting medical inspector prisoners of war.

Designation of camp—Depot for Prisoners of War near Sandusky, Ohio. Commander of camp—Lieut. Col. William S. Pierson, Hoffman's Battalion. Command and strength—prisoners of war, 2,233; guard, Hoffman's Battalion, 16 officers, 384 rank and file; total, 2,633. Location of camp—Johnson's Island, Sandusky Bay, three miles northeast of San-

dusky, Ohio. Time occupied—established January, 1862. Water—source and supply, by pipes and pump from Lake Erie; quality and effects, slightly impregnated with lime from extensive beds of sulphate of lime in the bay. Fuel—wood abundant, from island mostly. Soil—loam and turf; subsoil, sand and gravel. Drainage—poor, island flat, no artificial drainage. Topography—island mostly flat woodland. Meteorology—frequent rains, nearly constant winds west and northwest. Police of camp—very good in Federal quarters and hospital, very bad in prisoners' quarters and hospitals. Discipline in camp—lax. Duties in camp—for prisoners, none that I could ascertain, except policing when they choose. Tents or huts—position, barracks two stories on two sides of an oblong square; quality, good; ventilation, very poor, in hospital barracks absolutely none except by windows; sufficiency, barracks somewhat crowded; utter insufficiency of hospital room, both Federal and prison. Heating—by stoves. Sinks—construction, excavated about eighteen feet long, five feet wide, and five feet deep, covered by sheds; condition and position, twelve in number, in rear of barracks about 75 to 100 feet; management, bad; they are nearly filled up and in filthy condition; no new ones being prepared. Removal of offal, &c.—not well attended to; no receptacles provided for offal and slops from cook-houses or barracks. Previous use of camp—farm and woodland. Rations—abundant and very good. Cooking in camp—for guard, good; for prisoners, by themselves, and consequently carelessly done; arrangements good. Inspection of food—said to be strict. Ovens—four excellent stationary ovens, sufficient to bake 5,000 loaves per diem; admirably kept. Vegetables—plentiful. Cleanliness of men and clothing—tolerable; prisoners being mostly officers, take some pride in personal condition; in the hospitals cleanliness is not as well attended to as it should be. Quality of clothing—mainly good. Quantity of clothing—sufficient. Blankets and bedding—sufficient in quantity, but poor in quality as regards bedding. Habits of men—Federals tolerably cleanly and orderly; prisoners not inclined to do more than absolutely necessary. Condition of men—by no means as good as it would be were strict discipline enforced. Hospital buildings—for guard, entirely insufficient; for prisoners, require repairs; all want increased ventilation. Hospital police—good in hospital for guard, very bad in prisoners' hospital. Hospital discipline—lax. Hospital diet and cooking—good in hospital for guard; seems to be carelessly attended to for prisoners. Hospital heat and ventilation—well heated by stoves; ventilation nearly utterly lost sight of. Hospital capacity—guard hospital has proper space for twelve; prison for sixty. Number sick—guard 8, prisoners 52. State of medical supplies and surgical instruments—good. State of hospital records—very carelessly kept. State of hospital accounts—prison hospital fund not kept distinct from general prison fund; $4,890 prison fund on hand. State of hospital fund—for guard, about $100. Reports—not well kept up. Medical attendance—entirely insufficient; but one medical officer and he not well posted in military duties. Nursing—careless. Interments—carelessly made; cemetery one-half mile from camp, not fenced in, and disturbed by cattle. Diseases prevalent—typhoid fever and pneumonia. Diseases zymotic—smallpox; three cases now on hand; patients are properly isolated, but vaccination not strictly attended to. Wounds and operations—operations mostly minor; but one amputation has been performed. Recoveries from diseases and wounds—patients said to recover readily, but this would be more certain if greater advantages were afforded. Mortality from diseases and wounds—average 0.2 per cent. for last four months.

Medical officer—Surg. T. Woodbridge, Hoffman's Battalion, present since February, 1862, is evidently a skillful practitioner of medicine, but is not well informed as to his military duties. He delegates too much of his authority to his subordinates, nurses, &c., and consequently much of the duty is carelessly performed, or not at all. Hospital steward—E. S. Keith, U. S. Army.

Lieutenant-Colonel Pierson informs me, in answer to the question as to how the prison hospital fund, as well as the articles purchased from it, is accounted for, that no hospital fund is kept distinct from the general prison fund. The articles purchased are the usual articles of diet for the sick, underclothing, table furniture, straw for bedding, lumber for repairs to hospital, lime for whitewashing and disinfecting purposes, stoves, &c. Of the less perishable articles an accurate list is kept, that the exact quantity on hand may be always known and accounted for. The police of the whole camp, excepting the officers' quarters, and to a certain extent the guard barracks and hospital, is most inexcusably neglected. Some of the beds in the prisoners' hospital are in a horribly filthy condition; the bed pans not properly attended to; the floors show no evidence of ever having been cleansed. All this, with the crowded state of the wards (but two being occupied, the other two requiring repairs), the utter absence of ventilation, and the insufficient use of disinfectants, creates such a vitiated state of the atmosphere as to render the wards unfit for occupation. There is a deficiency of hospital underclothing, and this with the bedding is not properly washed. The nurses (prisoners) are not kept up to their duties with sufficient strictness. The latrines are not properly attended to, or their location changed sufficiently often, and consequently are in filthy condition. Much of the fault undoubtedly lies with the prisoners themselves, but were deficiencies once supplied and strict discipline enforced a much better condition of things would soon ensue. The facilities for obtaining water for laundry and other purposes is very deficient, one pump being the only present available means. Receptacles for garbage and other offal from the cook-houses and barracks should be provided. Lime or some more powerful disinfecting agent should be used much more freely. The prisoners' barracks should be thoroughly policed every day, instead of once a week, as I understand to be the case at present. I observed several chamber utensils in the barracks. These should only be allowed in the hospital. Increased hospital accommodation is needed. Room should be provided for at least 120 prisoners and 20 troops. At present there is room for but sixty prisoners, even were the wards in repair. The rooms used as a post hospital will accommodate but twelve. More medical officers are urgently required at this post. It is utterly impossible for one officer to properly discharge all the duties required of him. At least two more medical officers should be stationed here.

With the above exceptions, the requirements of the circular, office Commissary-General of Prisoners, July 7, 1862, are, so far as I could ascertain, well carried out.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[OCTOBER 10, 1863.—For General Orders, No. 17, Department of Virginia and North Carolina, directing execution of David M. Wright on October 16, 1863, see Series I, Vol. XXIX, Part II, p. 322.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 10, 1863.

Lieut. Col. N. G. WATTS, *Mobile, Ala.:*

SIR: All the prisoners taken at Port Hudson and there paroled by Banks are free to go to duty. Neither our Government nor the Federal recognize the parole. A general order to this effect will issue in a few days. All Confederate prisoners who have been delivered at any other point than Vicksburg or City Point can immediately return to their commands, where such delivery was made since the 23d of May last. You need not recognize any parole given since the 23d of May last which was not in pursuance of a distinct agreement made between the commanders of the two opposing armies. Prisoners must be reduced into possession and delivered either at Vicksburg or City Point, unless there is some distinct agreement to the contrary made by the commanders of the two opposing armies. The deliveries made at Mobile or Port Hudson will not be recognized. All such can immediately return to duty. The Yankees have forced us to assume this position. There is no danger to our people in returning to duty, because the Federals recognize the full force of the rule and acquiesce in it. They have done the same thing with the captures made by us.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

(Same to Lieutenant-Colonel Davis, Demopolis, Ala.)

HEADQUARTERS DEPARTMENT OF THE GULF,
Vermillion Bayou, October 11, 1863.

COMMANDING OFFICER U. S. FORCES, *New Iberia:*

SIR: The Hon. Albert Voorhies, judge of the supreme court of Louisiana, has been made prisoner by our forces and ordered to New Orleans. The major-general commanding the department has permitted him to go on his parole of honor to his residence at Saint Martinsville, from which place he is to proceed on Wednesday next, the 14th instant, to New Iberia, where he will surrender himself into your custody to be transported to New Orleans and turned over to the custody of the provost-marshal-general of the department, Col. E. G. Beckwith. The major-general commanding has ordered that Judge Voorhies' family shall be allowed to accompany him to New Orleans and remain there with him. He also desires that the judge and his family should be treated with the most perfect respect and courtesy during the journey and that every comfort practicable shall be furnished to them while en route. You will please detail a discreet and careful officer to accompany the judge as far as Brashear City, where he will be transferred to the charge of the provost-marshal, with a copy of these instructions.

I have the honor to be, sir, very respectfully, your most obedient servant,

CHAS. P. STONE,
Brigadier-General and Chief of Staff.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 12, 1863.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: Your letter of the 8th,* containing plan and estimate for barracks at Point Lookout, is received, and will be immediately laid before the Secretary of War. I do not agree with you in recommending one room without windows, 100 feet by 35, to receive 700 men. I am satisfied, from my own experience and the reports of medical officers, that a building 100 feet by 24, with three tiers of bunks, will accommodate 150 men, and not more. I have ordered 1,000 prisoners from Fort Delaware to Point Lookout, and will order as many more, perhaps 2,000, as soon as I can have tents sent down.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 12, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: I have the honor to acknowledge the receipt of your letters of the 1st and 6th instant. You must expect that the prisoners will frequently discuss the chances of escape from the island, and make plans and threats to accomplish what they so much desire, and they will make the effort if ever an inviting opportunity offers. But the difficulties in the way are very great, independent of the guard, and so long as it is vigilant and prepared there is no danger that the prisoners will sacrifice so many lives, as they must do in any such desperate attempt, when, even if they should overcome them, their final escape would be so doubtful. I do not feel at liberty either to ask for additional companies or for the presence of the steamer Michigan. I have heard of the attempted escape of three prisoners by sawing off one of the pickets. If you think it advisable, cover the picketing on the inside with boards, and pay for it out of the prison fund. You must exercise your own judgment in the matter of overcoats in particular cases. Those who have a good supply of outer clothing should not be permitted to receive a greatcoat. They can keep themselves warm by remaining in the house. There is no objection to their receiving a reasonable number of blankets, not shawls.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

MOBILE, *October 12, 1863.*

General S. COOPER, *Adjutant and Inspector General:*

Acting Master Myers and crew, under orders from Admiral Buchanan, captured the Leviathan in Mississippi River, but were afterward recaptured by the enemy and are in irons in New Orleans. Shall I retaliate on the officers whom I have?

D. H. MAURY,
Major-General.

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* Omitted.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 12, 1863.

Brig. Gen. M. C. MEIGS,
Quartermaster-General, U. S. Army, Washington, D. C.:

GENERAL: It will be necessary to send an additional number of prisoners of war to Point Lookout, Md., and I have the honor to request that a sufficient number of common tents may be sent there to accommodate 2,000, at four to a tent.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[OCTOBER 13, 1863.—For Rosecrans to Bragg, protesting against retention of Union medical officers as prisoners of war, and Rosecrans to Hoffman, reporting same, &c., see Series I, Vol. XXX, Part IV, p. 333.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 13, 1863.

Maj. Gen. A. E. BURNSIDE,
Commanding Department of the Ohio, Cincinnati, Ohio:

GENERAL: Lieutenant-Colonel Pierson reports to me that a number of prisoners under sentence of death have been sent to the depot of Johnson's Island to be executed at some future day, and he learns that more are to be ordered there from various places. I would respectfully represent that there are no prison accommodations at the depot other than the ordinary prisoners of war, except a small guard-house, with an adjoining prison for the use of the garrison, and without special arrangements to meet such purposes, not more than two or three prisoners should be sent there for execution at a time. During the summer season more could be taken care of, because they have cells in which they can be confined, but at this season of the year all have to occupy the same room, which is by no means a secure one. I have therefore to request that there may be at no time more than two or three prisoners under sentence of death at this depot. Rebel prisoners under sentence of confinement for the war may be held there without inconvenience, but Federal soldiers under sentence to labor and confinement should not be sent there. If the prisoners now there are not to be executed within a short time I suggest that they may be ordered elsewhere.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 13, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: On reading over Mr. Ould's letter I have thought it would be in my power to make some suggestions which will perhaps aid you

in giving a clear view of the case from our side. I inclose a copy* of my letter of the 20th of May to Colonel Ludlow, covering General Orders, Nos. 49 and 100, and communicating to him instructions relating to paroles. You will notice that the orders and the cartel are to govern our forces. Whenever the cartel conflicts with the orders, they, of course, must be set aside. The cartel requires that prisoners of war shall be delivered at certain named places, and if they are not so delivered the paroles cannot be valid. In consequence of the usage which had governed both parties up to that time, instructions were subsequently issued that paroles given before the 22d of May should be considered valid, though deliveries had not been made as required by the cartel. In order to the putting in force these instructions it was not necessary to ask Mr. Ould's consent. We were only bound to notify him that from that time the cartel would be rigidly adhered to by us and the same course would be exacted of the Confederate authorities. If Mr. Ould wishes paroles recognized when the parties were not delivered at the places named in the cartel, he does not ask that paroles not in conformity with the stipulations of the cartel should be regarded as valid.

You will have no difficulty in showing that his declaration of the 12th ultimo was not in accordance with the cartel. The reference to the acts of Colonel Ludlow does not sustain him, for, according to Mr. Ould's own letter, Colonel Ludlow was declaring an exchange to cover a balance due on declarations previously made by Mr. Ould. The troops thus declared exchanged by Colonel Ludlow are as follows:

Fiftieth Regiment Indiana Volunteers	371
Seventy-fifth Regiment Indiana Volunteers	268
Third Ohio Volunteers	311
Tennessee cavalry	58
	1,008
Paroled at Mount Sterling	463
Total	1,471

Mr. Ould states that the excess, without taking into account the Mount Sterling captures, was 2,290; whereas the whole number, including said captures, amount only to 1,471. If in making up this balance Lieutenant-Colonel Ludlow failed to give rolls and numbers, it does not justify Mr. Ould in anticipating a declaration by you without furnishing you with rolls or numbers or giving you time to consult the records to make them up for yourself. When the paroling is properly done both parties have rolls, and there can be little difficulty in arranging an exchange to be simultaneously declared. Mr. Ould states that when the Federal troops were declared exchanged to the 6th of May the Confederates were declared exchanged to the 23d of May inclusive. There is nothing in this office to show that the exchanges on both sides were not alike. The Confederate prisoners delivered between the two dates amount to 5,083 privates, and if we have already received equivalents for them they should be deducted from my former computation. Without counting these, the number covered by Mr. Ould's declaration of September 12 and the subsequent explanatory declaration of September 26 amounts to 39,450. The number of Federal troops on parole to September 1 and declared exchanged amounts to 23,911. The officers included are those paroled at Gettysburg and elsewhere, not those delivered at City Point. The numbers above given differ from those given to you at my visit to Fort Monroe, because in making up that

* See Vol. V, this series, p. 670.

calculation all enlisted men were counted alike, whereas a non-commissioned officer should have been counted as two privates. Giving, then, Mr. Ould credit for the 5,083 men, which he states were delivered at City Point between the 6th and 23d of May, and declared exchanged by Colonel Ludlow, he is in our debt 5,539 enlisted men. Mr. Ould states that he has in his possession valid paroles amounting to at least 16,000 men. For all the prisoners that we claim as on parole we can show the rolls of delivery at the places named in the cartel, receipted by Confederate officers, and if he will show similar rolls of the 16,000 men he speaks of they will of course be recognized as valid and he will be credited with them.

I inclose you copies of correspondence with Colonel Ludlow to show you the policy of the Government, and that whenever cases occurred of paroling Confederate troops in violation of the general orders or cartel they were declared of no force. I also inclose an extract from a letter to General Schenck, bearing on the same matter. My impression is that the order of General Schenck, to which Mr. Ould refers, was not put in force. I inclose herewith an abstract of the Federal and Confederate troops paroled and exchanged. With the foregoing as a basis you will have no difficulty in meeting all the points made in Mr. Ould's letter.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 13, 1863.

Col. P. A. PORTER,
Commanding Fort McHenry, Baltimore, Md.:

COLONEL: Please say to Captain Baylor that his several letters have all been laid before the proper authorities and he must await their action. His letter of the 7th will be duly attended to and final action in his case hastened as much as possible.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

SPRINGFIELD, ILL., *October 13, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of Camp Douglas, Chicago, Ill. I shall complete the inspection of Camp Butler at this place to-morrow, and leave on the 15th instant for Alton, Ill.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of camps and field hospitals at Camp Douglas, Chicago, Ill., October 9, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—Camp Douglas. Commander of camp—Col. Charles V. De Land, First Michigan Sharpshooters. Command and

strength—prisoners of war, 6,085; guard, First Michigan Sharpshooters, 651; Invalid Corps, 309; other regiments, 18; total, 978; aggregate, 7,063. Location of camp—four miles south of center of city of Chicago, Ill., one-eighth of a mile east of shore of Lake Michigan. Time occupied—established March, 1862; present occupation since August 18, 1863. Water—source and supply, city water-works, from lake; supply deficient, there being but three hydrants in camp; quality and effects, good. Fuel—coal and wood. Soil—sandy, very good. Drainage—very deficient, but works are in progress which will materially improve it. Topography—prairie land. Meteorology—much rain, high winds. Police of camp—very much neglected, except in barracks of Invalid Corps. Discipline in camp—very lax. Duties in camp—none required of prisoners; many volunteer to work. Tents or huts, pattern and quality—all the barracks are of one story, the pattern is good, but they are very much in need of repair. Tents or huts, ventilation—utterly insufficient. Tents or huts—sufficiency, for 4,500 prisoners, if all barracks were fit for occupation, utterly insufficient for present number. Tents or huts, heating—hospital and guard barracks well heated by stoves; very few of the prison barracks are heated at all. Sinks, construction—bad; excavations twenty feet long, six feet wide, four feet deep; not closed in. Sinks, condition and position—center of main prisoners' square and rear of guard barracks. Sinks, management—apparently no management at all, in filthy condition. Removal of offal, &c.—not well attended to; no receptacles provided. Previous use of camp—first as fair grounds by State Agricultural Society, then as depot for Federal paroled prisoners. Rations—abundant and good. Cooking in camp—in hospital good, for guard tolerable, in prison baracks no attention is paid to cooking by authorities. Portable ovens—two stationary ovens ready for use, but not used; two others could be readily repaired for use. Vegetables—plenty for hospitals, potatoes only issued to prisoners. Cleanliness of men—guard and sick very good; prisoners generally filthy; deficient facilities for cleanliness. Cleanliness of clothing—hospital very good; laundry facilities very deficient. Quality of clothing—hospital good. Quantity of clothing—hospital deficient, very deficient for prisoners; some clothing sent to prisoners by friends. Blankets and bedding—hospital bedding is very deficient; about 1,200 prisoners are without blankets. Habits of men—some would be cleanly if they could, but most are filthy. Condition of men—bad. Hospital buildings—in southwest corner of camp; the chapel is about being fitted up for a hospital. Hospital police—in hospital, for guard, very good; in prisoners' hospital not as good as it ought to be. Hospital discipline—not as strict as it should be. Hospital diet and cooking—good, but cooking arrangements not carefully inspected. Hospital, heat and ventilation—well heated by stoves; ventilation utterly lost sight of. Hospital, capacity—very deficient; present capacity, for guard, 50; prisoners, 120; the chapel will increase this to 180. Number sick—guard 50, prisoners 325. State of medical supplies—good. State of surgical instruments—good, but deficient in quantity. State of hospital records—in most respects well kept. State of hospital accounts—well kept. State of hospital fund—none on hand for prisoners; about $120 for guard hospital. Reports—well attended to, except report of deaths to Commissary-General of Prisoners. Medical attendance—deficient; two more medical officers should be detailed to this post. Nursing—nurses (rebel) not kept under sufficiently strict discipline. Interments—by contract in city cemetery. Diseases, prevalent—typhoid fever, pneumonia. Diseases, zymotic—several cases of measles which are not isolated as they should be. Diseases, prevention of—not sufficient care taken to prevent disease. Wounds and operations—none

recent; fifteen cases amputation lower extremities entirely recovered; operations performed elsewhere. Recoveries from diseases—not very ready; would be better if hospital was not overcrowded and ventilation more perfect. Mortality from diseases since August, 1863—0.4 per cent. Medical officers—Surg. A. F. Whelan, First Michigan Sharpshooters, present since September 1, 1863; Asst. Surg. G. L. Cornell, First Michigan Sharpshooters, present since September 1, 1863; Asst. Surg. I. Brown, Sixty-fifth Illinois Volunteers, present since February 1, 1863; Dr. F. A. Emmons, present since September 28, 1863, contract made by Colonel De Land; Dr. G. W. Bicknell, present since October 6, 1863, contract made by Colonel De Land.

Water—there are at present but three hydrants provided to supply water for the whole camp. These are utterly inadequate, but the post quartermaster informs me that he intends to furnish ten additional, which I think will suffice. Drainage—a sewer is being laid, communicating with the lake; this—a plan of which I have been shown by the quartermaster—will very much improve the present condition of the camp, but still is not sufficient, as it only runs around two sides of the camp, leaving the third side (the fourth side being higher ground does not need it), on which are the quarters of the Invalid Corps detachment, unprovided for. Here are located the three hydrants now in use, and the ground being low the water accumulates in pools. In addition to this a ditch runs along this side of the camp just inside of the fence in which, no proper outlet being provided, stagnant water collects. A branch of the sewer should be run down this side of the camp; it might readily be done. In many places about the prison barracks the ground is very uneven and affords lodging places for water and refuse. Police—this important matter is, with one or two exceptions, most inexcusably neglected over the whole camp. The quarters of the Invalid Corps detachment, under command of Lieutenant-Colonel Boyd, and the guard hospital and its cook-house, are models, deserving the highest commendation. The prisoners' hospital is in a very fair condition, but not as good as it ought to be. The rest of the camp is simply filthy in its condition. Discipline—the above may be attributed to the very lax state of discipline in the camp.

Barracks—(1) Quality—all the prisoners' barracks are greatly in need of repair; there is not a door and hardly a window among them; a large proportion of the bunks are so mutilated as to be useless; much of the flooring and siding is removed and the open fire-places in the cook-houses are in a dilapidated condition; the roofs of all require repairs. (2) Ventilation—an attempt at ventilation seems to have been made when the barracks were built by making two small openings about twenty by eight inches in the ridge of each roof; this is utterly insufficient, or will be so when the barracks are repaired. Some approved mode of ventilation should be adopted, especially in the hospitals, otherwise when cold weather sets in a large increase in cases of pneumonia will have to be looked for. (3) Sufficiency—even were all the barracks in repair, there is adequate accommodation for but 4,500 prisoners. Barracks for some 1,500 additional might be erected on the site of those destroyed by the Federal paroled prisoners. (4) Heating—the guard barracks are kept too warm, there being two stoves in each, while but very few (I noticed but one or two) of the prisoners' barracks have any. Sinks—the quartermaster informs me that when the sewer is completed he intends having the sinks placed over it. This will be well if a sufficient flow of water can be obtained to keep the sewer clear. Offal—proper receptacles should be provided and regularly cleared. Cooking—this, as is too

often the case, has insufficient attention paid it by the proper officers. In the hospital it is well and in the guard barracks tolerably well done, but no attention is paid to and few utensils provided for the prisoners' cooking. There are two good ovens in the bakery, and two that could very readily be prepared for use, and I could learn no good reason why they are not used. These should be capable of baking 5,000 loaves per diem. If the flour were baked in camp instead of being done by contract a large saving would be the result. Cleanliness—there is a great deficiency of laundry facilities. The hospital laundry is a very small building furnished with two 20-gallon boilers. Thirteen 20-gallon boilers (originally intended for cooking purposes) are provided for the prisoners, thus allowing one boiler for about 460 prisoners. Clothing—the commanding officer informs me that a quantity was lately received from the quartermaster's department, but as it is U. S. Army clothing he dares not use it lest the prisoners should escape. This should be looked to, for many of the prisoners are miserably clad, and already suffer much from the cold.

Hospital—Additional accommodation should be at once provided for at least 600 patients. There are now some 150 sick men lying in the barracks who should be in hospital and receiving attention. The chapel is being prepared as a hospital against the protest of certain good ministers of Chicago, who claim that the prisoners' souls should be looked after at the expense of their bodies. There is an insufficiency of table furniture both for hospital and barracks. The excuse given for this is that there is no hospital fund on hand.

Prison—The place of close confinement, or dungeon, in use is utterly unfit for this purpose. It is a "dungeon" indeed; a close room about eighteen feet square, lighted by one closely barred window about eighteen by eight inches, about six feet from the floor, and entered by means of a hatchway in the ceiling about twenty inches square. The floor is laid directly on the ground and is constantly damp. A sink occupies one corner, the stench from which is intolerable. In this place at the time I visited it were confined twenty-four prisoners, the offense of all, I believe, being attempts to escape. The place might do for three or four prisoners, but for the number now confined there it is inhuman. At my visit I remained but a few seconds and was glad to get out, feeling sick and faint.

Such articles as are purchased from the prison or hospital funds are kept inventoried ready to be accounted for when necessary. With the above exceptions the requirements of the circular, Office Commissary-General of Prisoners, July 7, 1862, are, so far as I could ascertain, well carried out.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

RICHMOND, *October 13, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Accompanying this communication you will find the copy of a letter from Lieutenant-Colonel Alston, of General Morgan's command. Lieutenant-Colonel Alston is the officer who was delivered at City Point by the last flag-of-truce boat. On the 30th of September last you informed me that "the U. S. authorities had nothing whatever to do with the treatment that General Morgan and his command received when imprisoned at Columbus." In my interview with you about one week ago you informed me that General Morgan and his officers were

held for others than "the members of Colonel Streight's command." You showed me a letter from General Hitchcock, in which that fact was announced. It seems that your authorities having been assured, either from my representations or from those of your own people in confinement at Richmond, that Colonel Streight and his officers were receiving precisely the same treatment as that of other prisoners, they have adopted some other excuse for the continued confinement of General Morgan and his officers in a penitentiary. I ask if this does not show a determination to keep these officers in a confinement intended to be ignominious? When one excuse fails another is set up.

Your Secretary of War has himself borne testimony to the "honor" of Lieutenant-Colonel Alston. I therefore call your attention to his communication, and again ask how can General Morgan's original incarceration in the Ohio penitentiary, his continued confinement therein, the indignities received by him and his brother officers, and your announcement at our last interview be explained if "the U. S. authorities had nothing to do with the treatment General Morgan and his command received when imprisoned at Columbus?" Will you also inform me whether the "U. S. authorities" intend to treat these officers as felons in the future? And if not, whether those authorities will allow others so to treat them?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure.]

RICHMOND, *October 10, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War:*

In compliance with your request I beg leave to submit the following statement:

On the 5th day of July last Brig. Gen. John H. Morgan, in command of a force of Confederate cavalry, attacked the Federal garrison at Lebanon, Ky., which consisted of the Twentieth Regiment Kentucky Infantry, about 500 men, and a section of artillery, about forty men, all under the command of Lieut. Col. Charles S. Hanson. After a severe engagement of about seven hours Colonel Hanson surrendered the entire force that had not been killed. He requested General Morgan to parole him and his command, to which General Morgan objected "that his (Colonel Hanson's) Government had published a general order that no more such paroles would be respected." Colonel Hanson replied that he was aware of this order, but this was a case which he believed, on proper representation to higher authority, would be permitted as an exception to this order, and at any rate if General Morgan would grant the parole to himself and the officers and men of his regiment he would pledge his personal honor that he would not only observe it, but would see that every other one to whom the privilege was extended should observe it. If, after making a proper statement of all the facts to higher authority, he should be ordered back in service, he would pledge himself to report to General Morgan at some point within the Confederate lines.

This interview took place in the presence of several officers, among whom was Captain Davis, assistant adjutant-general of Duke's brigade, who was an official witness of all that was said, and who immediately reported it to me and brought the order from General Morgan for me to parole Colonel Hanson and his men and officers. Acting under these instructions, I paroled them on the evening of the 5th of July, and on the 8th of July Capt. William Campbell, of our command,

and a small detachment of his men, were captured by a portion of this very regiment, and were treated on their arrival at Nicholasville with the greatest indignity by Capt. Frank E. Wolcott, of Company F, of the same regiment. He not only abused the men as a parcel of horse thieves and scoundrels, but took their boots and hats from them and threw them away in their presence. Lieutenant-Colonel Hanson also came up a short time afterward and took away from one of the parties some crackers and cheese which he had been allowed by the sergeant to purchase.

In a few days afterward Lieutenant-Colonel Hanson was ordered to Louisville to do provost duty, relieving Lieutenant-Colonel Orcutt, of the Twenty-fifth Michigan Volunteer Infantry, who was ordered to the field. He and his regiment are still on duty there.

On the 26th of July Brigadier-General Morgan and most of his officers were captured. They were carried to Cincinnati, and from thence he and twenty-eight of his officers were selected and carried to Columbus, Ohio, where they were shaved and their hair cut very close by a negro convict. They were then marched to the bath-room and scrubbed, and from there to their cells, where they were locked up. The Federal papers published with great delight a minute account of the whole proceeding. Seven days afterward forty-two more of General Morgan's officers were conveyed from Johnson's Island to the penitentiary and subjected to the same indignities.

I have seen Col. D. Howard Smith, one of the officers who was conveyed there among the second lot, and he told me that Mr. Merion, the warden, apologized for such treatment, but he had distinctly informed General Burnside that he would receive them on no other terms, and he had sent them.

I would respectfully call to your attention that there are a number of men confined at Camp Chase and also at Johnson's Island who represent themselves as officers of our command who are not officers. In the prison where I was there were three captains and two lieutenants who had no commands at the time of their capture, and have never had so far as my knowledge goes. I represented this matter to the commandant and requested him to correct it, but to the date of my leaving it had not been done.

* * * * * * *

Very respectfully submitted by your obedient servant,

R. A. ALSTON,

Lieutenant-Colonel, Provisional Army, Confederate States.

RICHMOND, *October 13, 1863.*

General D. H. MAURY, *Mobile:*

Be sure of the fact and then retaliate.

S. COOPER,

Adjutant and Inspector General.

SPRINGFIELD, ILL., *October 14, 1863.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of Camp Butler, near this place. I shall leave for Alton, Ill., to-night.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of camps and field hospitals at Camp Butler, near Springfield, Ill., October 14, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—Camp Butler. Commander of Camp—Col. Christian Thielemann, Sixteenth Illinois Cavalry. Command and strength—Sixteenth Illinois Cavalry, 524; One hundred and thirteenth Illinois Volunteers, 211; total, 735; no prisoners of war, 20 deserters. Location of camp—5½ miles east of Springfield, Ill. Time occupied—established about October, 1861. Water, source and supply—wells, abundant supply for 4,000 men. Water, quality and effects—alkaline, productive of digestive derangements. Fuel—wood and coal. Soil—bad, loam, easily stirred up into mud. Drainage—very bad, drains stopped and ditches filled up. Topography—prairie land. Meteorology—much rain and high winds. Police of camp—very much neglected. Discipline in camp—very lax. Tents or huts—position, pattern, and quality, ventilation and removal, sufficiency, heating; 18 barracks for prisoners, each 100 by 24 feet, which might be made to accommodate 1,800 prisoners, are all that are at present available; of these ten are new and in good order, except the bunks, which could be erected at very short notice; ventilation has been entirely lost sight of. The cook-houses are very badly arranged, being merely small rooms partitioned off from the barracks. Sinks—construction, condition, position, and management, none; the old ones have been filled up and no new ones prepared. Portable ovens—two permanent ovens in camp belonging to contractor; no provision made for prisoners. Blankets and bedding—71 bed sacks, 21 blankets belonging to prison hospital in hand of post quartermaster. Hospital buildings—tents, the building formerly used as prisoners' hospital has been destroyed; one or more of the prison barracks might be used if necessary. State of medical supplies and surgical instruments—none on hand, were all turned over to general hospital when the prison hospital was broken up. State of hospital records and accounts—none to be found. State of hospital fund—none on hand.

There being no prisoners at this post, this report is necessarily incomplete. The last prisoners who were confined here were sent away May 19, 1863, and before the present commandant took charge of the post. He informs me that all the prison hospital property on hand when the prisoners were removed he understood to have been turned over to the quartermaster at Springfield, Ill. I found nothing whatever at the camp but the bare barracks, eighteen in number, but eight of which are in condition for immediate use, the bunks in the remainder not having been yet erected. These eight are in filthy condition, not having been cleansed since the last prisoners were removed. On making inquiry of the quartermaster at Springfield I was informed that the only hospital or prison property which had been turned over to him was 71 bed-sacks, 21 blankets, 58 pairs socks, 66 pairs cotton drawers, and 26 stoves, nearly all unserviceable. No prison or hospital fund was accounted for to him. The whole camp is in a filthy condition, no attention apparently being paid to police duty. Attached to the camp is a U. S. general hospital under charge of Doctor Sturgis. It consists of two large and very fine barracks capable of receiving 100 patients. It is not, however, available for the use of prisoners.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

EXECUTIVE DEPARTMENT, *Wheeling, October 14, 1863.*

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange, Fortress Monroe:

GENERAL: I write you in regard to armed militia in active service who have been captured and are now imprisoned by the enemy. I have armed a great many of the militia of the State for the purpose of protecting themselves from armed bands of rebels, as well as to co-operate with the forces of the United States in case of emergency. They are frequently on duty, sometimes simply drilling, sometimes aiding actively in movements against the enemy. Some of these men have been captured, and it becomes a matter of interest to their friends as well as to those of the militia remaining at home, who also are bearing arms, to know whether provision has been made by the U. S. authorities for their protection while prisoners and for their exchange as soldiers captured in the Government service. I may say that I am not advised what negotiations have been had with the rebel authorities recently on the subject of exchanges, nor have I at hand a copy of the cartel heretofore entered into. My attention has been called to this subject from the fact that on the —— day of September, 1863, while Capt. Daniel Gould's company, of One hundred and thirty-third Regiment West Virginia Militia, were drilling at Centerville, Upshur County, seventy-three of the company, including the captain and other officers, were captured with their arms and were carried off and are still prisoners in the hands of the enemy. The rebels at the same time captured and carried off Jacob Bash, a private, unarmed citizen. I inclose you a list* of those captured and respectfully request that you will interest yourself in their behalf and effect their exchange as speedily as possible. I have another case also to which I respectfully call your attention. Capt. E. C. Harper, who commands a State volunteer company in active service, in Pendleton County, on the 15th of September, 1863, sent Corpl. Cornelius F. Ketterman, of his company, to ascertain the position of the enemy, and on the night of that day he was captured by a squad of Jenkins' cavalry on Bennetts Mill Run, near Circleville, in Pendleton County, was tied and led off and is still a prisoner. I inclose you a letter† of Mr. George Harrison, of this city, who is engaged with his son, Captain Harrison, acting quartermaster, at Cumberland, Md. His young son, who was captured as therein represented, was in the employ of Captain Harrison and was on a foraging expedition at the time of his capture. I know the family well; they are all loyal.

The case of this youth is one of especial interest, and I feel sure that you will so regard it. I have just this moment heard that he was in jail in Richmond.

Very respectfully, &c.,

A. I. BOREMAN,
Governor.

EXECUTIVE DEPARTMENT, *Frankfort, October 14, 1863.*

Capt. LEVANT C. RHINES,
Commissary of Prisoners, Camp Douglas, Chicago, Ill.:

DEAR SIR: At your request I return the petition† in case of Puryear. It is, however, my own thorough conviction that the rebel prisoners who hail from Kentucky ought never to be returned to Kentucky during the rebellion. The exceptions cannot be greater than

* Nominal list omitted. † Not found.

one in one hundred. We know of no reforms in such persons, but in almost every instance after resting they begin their treasonable work with renewed vigor and malignancy. I am making an effort to get up a thorough organization of the militia of Kentucky with a full determination to extirpate the guerrillas from the State, and especially those who, having been released, return to their marauding.

Respectfully,

THO. E. BRAMLETTE,
Governor of Kentucky.

[OCTOBER 14, 1863.—For General Orders, No. 13, headquarters Norfolk and Portsmouth, directing preparations for the execution of David M. Wright on October 16, 1863, see Series I, Vol. XXIX, Part II, p. 322.]

EXECUTIVE DEPARTMENT, *Austin, Tex., October 14, 1863.*

Maj. Gen. J. BANKHEAD MAGRUDER,
Commanding District of Texas, &c., Houston, Tex.:

GENERAL: I have the honor to acknowledge the receipt of your communications of the 9th and 10th instant requesting the use of the State penitentiary for the safe-keeping of the Federal prisoners of war in your district and copy of your application to the financial agent of the institution to the same purport. The latter I return in accordance with your request. My reply to your communication of the 27th ultimo, containing the same request, was transmitted to you on the 9th instant. I therein stated I felt constrained to decline your application, by reason of the danger to which such use would expose the institution, and that its vital importance to the Trans-Mississippi Department would not justify its exposure to the risk of destruction which its use in the manner contemplated would inevitably entail.

Your important communication of the 10th but adds strength to my former views on the subject. The precautions adopted to preclude communication between so large a number of prisoners and the convicts, howsoever great, could not succeed, and the danger of a rising by both combined would be imminent, to result in the destruction of the penitentiary upon which the army of the Trans-Mississippi District [Department] depends for its supplies of clothing, &c. Reflect, general, upon the terrible consequences its loss would entail, and then say if the object sought is at all commensurate with the appalling risk to us at this eventful moment. I much doubt if the institution can, without detriment to its efficiency as a manufactory, accommodate such a large number. Most stringent regulations would necessarily have to be adopted to prevent intercourse between the prisoners and convicts, which might engender sickness, and a consequent lessening of the productions of the institution, which would be felt in the army at the approach of winter. Were not the penitentiary a manufactory (the sole one for clothing, too, in the Trans-Mississippi Department), as well as a place of confinement for prisoners, I could entertain no objection to your proposition. As it is I cannot venture to incur the risk, I cannot but feel, such use must entail. It is my intention to bring the matter to the attention of the Legislature, which meets on the 2d proximo. Permit me to suggest, general, that the prisoners be scattered and confined in the various county jails of the State. Most of

the counties have safe buildings of this character and very few prisoners. They would require but a small force to guard them thus distributed, and an appeal to the patriotism of the citizens to guard them would, I feel satisfied, be cheerfully responded to. I trust, general, you will duly appreciate the motives by which I am actuated and upon reflection acquiesce in the justice of my views. I feel the embarrassment of your position in connection with these prisoners and would cheerfully co-operate with you in removing it in the manner proposed did my sense of duty to the State and the interests of the Trans-Mississippi Department admit of it.

I am, general, yours, most respectfully,

F. R. LUBBOCK.

NORFOLK, VA., *October 15, 1863.*

To the PRESIDENT:

Hon. L. H. Chandler has this moment informed me that Doctor Wright is ordered for execution in the morning, and that it is very desirable he should be granted a respite for one week in order to the arrangement of his private affairs and the making of some provision for his afflicted family.

I hope most certainly that you will not find it inconsistent with your sense of duty to grant this short delay.

Be pleased to answer this at once.

With highest regards, I am, yours, &c.,

LEMUEL J. BOWDEN.

WAR DEPARTMENT, *Washington, D. C., October 15, 1863.*

Major-General FOSTER, *Fort Monroe, Va.:*

Postpone the execution of Doctor Wright to Friday, the 23d instant (October). This is intended for his preparation, and is final.

A. LINCOLN.

FORTRESS MONROE, VA., *October 15, 1863.*

His Excellency A. LINCOLN,
President of the United States:

I have the honor to acknowledge the receipt of your telegram of this date in relation to Doctor Wright. Your orders shall be strictly obeyed.

J. G. FOSTER,
Major-General.

HARRISBURG, *October 15, 1863.*

Hon. A. LINCOLN, *President United States:*

Our majority in the senate depends upon the release of Major White. He was captured with Milroy's command and an especial exchange ought to be made for him. He is now in Libby Prison.

SIMON CAMERON.

WAR DEPARTMENT, *October 15, 1863.*

Major-General FOSTER, *Fort Monroe:*

You need not delay to send the descriptive lists, for within the limits specified in your telegram there is no objection;* but you will please send a descriptive list of every individual sent, to be of record here. I want to use Major White and have instructed General Meredith to effect an immediate special exchange if possible.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington, October 15, 1863.*

Brigadier-General MEREDITH,
Exchange Commissioner, Fortress Monroe:

I want to use immediately the testimony of Major White, now a prisoner in the Libby Prison, Richmond, and was formerly in Milroy's command. Please make a special exchange for him and bring him back with you and direct him to report immediately to the Adjutant-General in Washington. You can wait at City Point to accomplish this, if necessary, so that he can appear before the court this week. If you can designate the officer for him, get him paroled and let Mr. Ould name the person to be exchanged for him.

EDWIN M. STANTON.

FORT MONROE, *October 15, 1863.*

Hon. E. M. STANTON:

Your telegram did not reach me until 4.30 p. m. this day. Tried but could not leave this evening; unable to obtain a pilot. Will leave at daylight to morrow taking Major Jones to exchange for Major White. It is impossible to have Major White in Washington this week.

S. A. MEREDITH,
Brigadier-General.

PILOT KNOB, *October 15, 1863.*

Capt. P. L. POWERS, *Patterson:*

You will immediately arrest and send to me the daughters of Dr. S. C. White. Their names are Evaline, Paulina, and Arabella. Tell them to prepare their clothing and baggage for a journey southward by way of the Mississippi River. They shall be sent to the people and region they hurrah for. Let there be no delay. Let them be well treated.

CLINTON B. FISK,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF TENNESSEE,
October 15, 1863.

Maj. Gen. W. S. ROSECRANS,
Commanding U. S. Forces, Chattanooga:

GENERAL: Your communication of the 13th instant only reached me last night.†

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*See Foster to Stanton, Series I, Vol. XXIX, Part II, p. 331.
†See Series I, Vol. XXX, Part IV, p. 333.

You are correctly informed in regard to the disposition made of your medical officers still in my hands. This apparently harsh treatment is the result of a necessity imposed by the action of your own Government. A large number of our medical officers and chaplains who have fallen into the hands of other commanders have long been and are still in close confinement in the East. This course has been pursued by your Government without giving to mine any notice or reason. I am, therefore, instructed to hold those in my hands until some satisfactory explanation can be had with your Government.

I cannot, general, withhold the expression of my deep regret that by the action of your Government I am forced to this unpleasant task, and I take great pleasure in expressing to you my thanks and my obligations for the uniform kindness and courtesy extended as a general rule to the medical officers and wounded of my army who have fallen into your hands. This I shall take great pleasure in reciprocating when not prevented by different action on the part of your Government.

By an examination of the cartel for the exchange of prisoners I do not find the stipulation in regard to medical officers which you think is violated. My own recollection is that the practice first originated in the action of my Government and was then continued under a special written agreement before the cartel for the regular exchange of prisoners was agreed on.*

I am, general, very respectfully, your obedient servant,

BRAXTON BRAGG,
General, C. S. Army.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, October 15, 1863.

Respectfully forwarded to the General-in-Chief for such consideration and action as the case may require.

It is a great hardship that we should suffer because officers elsewhere have carelessly or recklessly confined chaplains and medical officers without reporting the facts to the Government.

W. S. ROSECRANS,
Major-General.

[Second indorsement.]

OCTOBER 24, 1863.

Respectfully referred to Major-General Hitchcock.

H. W. HALLECK,
General-in-Chief.

[Third indorsement.]

WASHINGTON, *October 24, 1863.*

Respectfully returned to Major-General Halleck, with remark that the rebel authorities first improperly seized and confined Doctor Rucker, refusing to deliver him according to the cartel. Doctor Green (rebel) was finally confined as a hostage for Doctor Rucker, and then the rebel authorities, it was said, detained three others of our surgeons, when all further deliveries of this class of officers were suspended.

The General-in-Chief, it is believed, is aware of the general history of this matter.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

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* For reply see Series I, Vol. XXX, Part IV, p. 387.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 15, 1863.

Lieut. Gen. E. K. SMITH, *Commanding, &c.:*

GENERAL: Your letter of the 27th July was referred to Robert Ould, esq., agent of exchange, who reports that the exchange of officers has not been resumed, and advises you to hold all your prisoners, officers and men, in custody. Major Szymanski has been dispatched to your department to inform the officers there of all essential points as to the present position of all matters connected with exchanges and paroles. On the reassembling of two-thirds of any of the regiments of paroled prisoners ordered to rendezvous west of the Mississippi and information thereof they will be immediately declared exchanged. We have not enough of paroled or imprisoned captives to exchange all the captives paroled or held by the enemy, and hence until reassembled we do not wish to exhaust our privilege of declining exchange.

Very respectfully, JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 339. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, October 16, 1863.

I. A declaration of exchanges having been announced by R. Ould, esq., agent for exchange at Richmond, Va., dated September 12, 1863, it is hereby declared that all officers and men of the U. S. Army captured and paroled previous to the 1st of September, 1863, are duly exchanged. The officers and men herein declared exchanged will immediately be sent to join their respective regiments.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, October 16, 1863.

Maj. Gen. H. W. HALLECK,
General-in-Chief U. S. Army, Washington, D. C.:

GENERAL: The attention of the Government is earnestly called to the condition of the prisoners captured at Galveston on the 1st day of January, and now in Texas with some other prisoners subsequently captured at different places. These prisoners are at Camp Groce, in Texas, and number: Officers 29, soldiers 12, and sailors 86, being 127 in all. They have suffered greatly from confinement, and think they have been neglected by the Government, which, they say, should have made provision for their exchange. I commend earnestly this subject to the consideration of the War Department and hope that some speedy action for their relief may be taken. There are also many officers held prisoners at Shreveport.

I have the honor to be, with much respect, your obedient servant,
N. P. BANKS,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, October 16, 1863.

Maj. Gen. H. W. HALLECK, *General-in-Chief, &c.:*

GENERAL: We have had many pressing applications for the special exchange of Major Howard, of Texas. Recently the commanding

general at Mobile has solicited a special exchange of Major Howard. We have, of course, declined the applications. When at Alexandria last summer, in a very large Texas mail that was captured, it was stated that Major Howard, then recently captured, was one of the most important men in the Confederate Army and that his exchange must be effected at any cost. Thinking it possible that application may be made to the commissioner for the United States for his exchange, I respectfully request that he may be notified of these facts.

I am, with high consideration, very respectfully, yours, &c.,

N. P. BANKS,
Major-General, Commanding.

HEADQUARTERS ARMY OF ARKANSAS,
Little Rock, Ark., October 16, 1863.

Brig. Gen. J. S. MARMADUKE,
Commanding Cavalry Division, Arkadelphia:

GENERAL: Your letter in relation to the exchanging of prisoners of war was received this morning. I have designated an officer to superintend the transfer on the part of the United States.

General, permit me to call your attention to a report that has been made to me by a man who is said to be reliable. It is to the effect that a party of soldiers belonging to your division have been hanging some peaceable citizens in the vicinity of Hot Springs, and elsewhere, on account of their supposed sentiments toward the Government of the United States. I do not believe all the stories that are told me, but as this bears the air of probability, I inform you of it under the conviction that you would regard an outrage on the part of troops in the same light that I do myself.

Very respectfully, general, your obedient servant,

FRED'K STEELE,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 16, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: By direction of the Secretary of War the Quartermaster-General will forward through you 500 blankets to be issued gratuitously to our prisoners in Richmond. Will you please make an arrangement with Mr. Ould by which the blankets will be delivered to the senior officer among the prisoners, to whom please send instructions that the blankets are to be distributed to those most in want of them? The officer receiving should return his receipt for them to show that they have been delivered to him. The distribution should be made in the presence of one or two officers to guard against complaints of unfairness. If it is found that the prisoners there can be supplied with clothing and blankets in this way other articles will be forwarded without delay. Please ask for suggestions from our officers as to what is wanted and what can be done.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 16, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your letter of the 12th instant, in which you state that you do not feel at liberty to either ask for the Michigan or for more companies here, and express the opinion that there is no danger. I feel it my duty to say frankly that I think differently. I have had no consultation with my officers on the subject except Major Scovill, but I know that all the officers here are of the same opinion that I am. The number of prisoners is 2,452. They are a most desperate set of men, with great smartness and a conviction that their escape would be better than a victory in any battle, and that their risk would not be as great. You cannot judge of their opinion by that of other men. These men for a chance will risk as much as others for a certainty. If they should succeed in taking our arms they could, with the lumber from fences and buildings here, cross over back of the island where the distance is less than a mile of shallow water, and could march to Canada in two days. The whole Canada shore, from the mouth of the river up, is filled with rebel sympathizers, and they would furnish boats at once for crossing, to say nothing of their chances for stealing boats on this side and lumber for crossing.

This battalion is ten men short, besides disabled, sick, and absent, and no service has so few absent as ours has always. If the prisoners should agree on a revolt we should of course have to rely on sentinels for alarm, and the danger is then the small force would not be aroused so as to have full advantage of their arms before so large a force could be thrown against them. The prisoners have every facility of scaling fences by their bunks in the quarters and the stairs. If one plank of the fence could be got off or broken they could strip off the planks as much as they wanted. They are getting up rolls and organizations inside, much of which we learn, and of course more we do not. They know their strength exactly, as well as ours. I do not think our force should be so small as to tempt so important a class of prisoners to make revolts, and that I should fail to do my duty if I did not so report to you, and I am unwilling to take the responsibility of not so reporting. What the objections are to the Michigan coming here I do not know. She is in the harbor at Erie much of the time. Companies ordered here could occupy tents until it was found whether it was necessary to recruit companies permanently, which would depend on whether the prisoners remain in such numbers.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 19, 1863.

Respectfully referred to the Secretary of War.

The small steamer which runs as ferry-boat to Sandusky is provided with a mountain howitzer, and by its means the escape of prisoners from the island can readily be prevented. The guard is armed with muskets and revolvers, and with ordinary vigilance should always be prepared to defeat any attempt on the part of the prisoners to make

their escape. The daily guard occupy two two-story block-houses, which have loop-holes for musketry in the upper stories, within each a howitzer in the lower story, and cannot be taken by unarmed men. By the lake shore it is over 100 miles to the Detroit River, and it is idle to suppose the prisoners can travel to Canada by that route, and to go by water they must have vessels at their command. With due vigilance on the part of the guard I do not think additional guard is necessary, but if the U. S. steamer Michigan can be in Sandusky Bay as well as at Erie her presence would prevent any thought of an attempt at escape. I have given detailed instructions to the commanding officer to meet any contingency.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *October 16, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent for Exchange:*

SIR: If your experience is the same as mine, you have frequent applications for the delivery and exchange of private soldiers. If you will send to City Point Private C. T. Jenkins, Ninth Florida, now in Fort Warren; Henry C. Bradford, Purcell Battery, a private captured at Gettysburg and now at Fort Delaware; Warner D. Goodman, a private, captured in Stafford County, October 8, 1863, and supposed to be in the Old Capitol Prison; A. S. Wilson, private, First Virginia Cavalry, Company K, now at Fort McHenry; Private D. S. Doggett, captured 9th June, now at Point Lookout, his right arm amputated, I will reciprocate and deliver to you an equal number of privates whom you may select.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 16, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I will thank you to inform me as to the health and place of confinement of Col. Ed. C. [James K.] Marshall, who was wounded and captured at Gettysburg. He belongs to the Fifty-second North Carolina Regiment. Will you also inform me what is the situation and condition of Major-General Trimble, who was captured at Gettysburg? It is said he is closely confined. Is this so? Are there any charges against him? Does he stand in any different position from that of our other officers? I am informed that Mr. Alfred Stanly is confined in the common jail at Washington, N. C. Will you let me know for what reason he is confined?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 16, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have already informed you both by letter and in personal interview that I would agree to any reciprocal arrangement by which

the bodies of deceased officers or soldiers could be forwarded through flag-of-truce boat to their friends. I have received no reply to my offer. Until that is made it is entirely useless for you to make any such request as is contained in your letter of the 15th instant in relation to the body of Lieut. J. P. Gleeson. I refer you to my letter of September 12, 1863, in reply to your request concerning the remains of Maj. Robert Morris.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 16, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I send to you Lieutenant-Colonel Irvine, New York cavalry, in exchange for Lieutenant-Colonel Alston, delivered by the last flag-of-truce boat. You can declare him exchanged, and I will do the same to Lieutenant-Colonel Alston.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 16, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I herewith inclose to you a declaration of exchange which I shall publish in a day or two. You will perceive it is based upon the declaration of exchange communicated to me in your letter of the 24th of September last. In my notice I have followed your phraseology. I would have preferred another form of declaration more in accordance with the circumstances of the case. Inasmuch, however, as my declaration to a considerable extent is retaliatory of yours, I have deemed it more appropriate to follow your own form of expression.

I have refrained from declaring exchanged the large residue of the Vicksburg capture. The only addition I have made to the notifications already given you, as far as that capture is concerned, is the Fourth and Forty-sixth Mississippi Regiments.

According to my computation you are considerably in debt to me upon your exchange notice, even if I take into consideration only such paroles as those to which no objection has been made. I have adopted the principles of your general orders in the computation of the paroles in my possession and will continue to do so until some other agreement is made between us. I reserve to myself the right to make further declarations of exchange from time to time, based upon the paroles in my office, until I have declared exchanged a number of Confederate soldiers equal to that of Federal troops declared exchanged by your last notice. At the same time I express my entire willingness to adopt any fair, just, and reciprocal rule of computation, and apply the same both to the past and the future.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure.]

Exchange Notice No. 7.

RICHMOND, VA., *October 16, 1863.*

The following Confederate officers and men are hereby declared duly exchanged:

1. All officers and men captured and paroled at any time previous to the 1st of September, 1863. This section, however, is not intended to include any officers or men captured at Vicksburg July 4, 1863, except such as were declared exchanged by Exchange Notice No. 6, September 12, 1863, or are specifically named in this notice. But it does not embrace all deliveries made at City Point or other places before September 1, 1863, and with the limitation above named, all captures at Port Hudson or any other place where the parties were released on parole.

2. The staff of Generals Pemberton, Stevenson, Bowen, Moore, Barton, S. D. Lee, Cumming, Harris, and Baldwin, and of Colonels Reynolds, Cockrell and Dockery; the officers and men belonging to the engineer corps, and sappers and miners, and the Fourth and Forty-sixth Mississippi Regiments, all captured at Vicksburg July 4, 1863.

3. The general officers captured at Vicksburg July 4, 1863, were declared exchanged July 13, 1863.

RO. OULD,
Agent of Exchange.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, October 17, 1863.

Hon. R. OULD, *Agent of Exchange, Richmond, Va.:*

SIR: On the 22d of May, 1863, Lieutenant-Colonel Ludlow, then agent of exchange for the United States, inclosed you copies of General Orders, No. 49, and No. 100, of War Department, announcing regulations and instructions for the government of the U. S. forces in the field in the matter of paroles, stating that these orders and the cartel are to govern our forces. When the cartel conflicts with the orders they must be set aside. The cartel requires that prisoners of war shall be delivered at certain named places, and if they are not so delivered the paroles cannot be valid.

In consequence of the usage which had governed both parties up to that time, instructions were subsequently issued that paroles given before the 22d of May should be considered valid, though deliveries had not been made as required by the cartel.

In order to the putting in force these instructions it was not necessary to ask your consent. We were only bound to notify you that from that time the cartel would be rigidly adhered to by us, and the same course would be exacted of the Confederate authorities. If you wish paroles recognized when the parties were not delivered at the places named in the cartel you "ask that paroles not in conformity with the stipulations of the cartel should be regarded as valid."

I will now proceed to show you that your declaration of September 12 was not in accordance with the cartel. Your reference to acts of Lieutenant-Colonel Ludlow does not sustain you, for according to your own letter Lieutenant-Colonel L. was declaring an exchange to cover a "balance due" on declarations previously made by you.

The troops thus declared exchanged by Lieutenant-Colonel Ludlow are as follows:

Fifty-first Regiment Indiana Volunteers	371
Seventy-fifth Regiment Indiana Volunteers	268
Third Regiment Ohio Volunteers	311
Tennessee cavalry	58
	1,008
Paroled at Mount Sterling	463
	1,471

You state that the "excess," without taking into account the Mount Sterling captures, was 2,290, whereas the whole number, including said captures, amount only to 1,471.

If in making up this balance Lieutenant-Colonel Ludlow failed to give rolls and numbers, it does not justify you in anticipating a declaration by me without furnishing me either rolls or numbers or giving me time to consult the records to make them up for myself.

When the paroling is properly done both parties have rolls and then there can be little difficulty in arranging an exchange to be simultaneously declared.

You state that when the Federal troops were declared exchanged to the 6th of May the Confederates were declared exchanged to the 23d of May, inclusive. I have nothing to show that the exchanges on both sides were not alike.

The Confederate prisoners delivered between the two dates amount to 5,083 privates, and if we have already received equivalents for them they should be deducted from my former computation. Without counting these the number covered by your declaration of September 12 and the subsequent explanatory declaration of September 26 amounts to 39,450. The number of Federal troops on parole to September 1 and declared exchanged amounts to 23,911. The officers included are those paroled at Gettysburg and elsewhere, not those delivered at City Point.

These numbers differ from those given to you before, because in making up that calculation all enlisted men were counted alike, whereas non-commissioned officers should have been counted as two privates.

Giving you, then, credit for 5,083 enlisted men, which you state were delivered at City Point between the 6th and the 23d of May, and declared exchanged by Colonel Ludlow, you are now in our debt 5,539 enlisted men.

You state that you have in your possession valid paroles amounting to 16,000 men. For all the prisoners that we claim as on parole we can show the rolls of delivery at the places named in the cartel, receipted by Confederate officers, and if you can show similar rolls of the 16,000 men you speak of they will, of course, be recognized as valid and you will be credited with them.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 17, 1863.

Brig. Gen. JOHN S. MASON, *Commanding, Columbus, Ohio:*

GENERAL: The changes and improvements in Camp Chase recommended by you have been submitted to the Secretary of War, but he

declines now to order the changes proposed. Your prison fund is getting to be very large, and I would suggest that in future instead of converting the savings into money the commissary simply give a memorandum receipt for the articles to show that they are in his hands, and he can pay for them from time to time as it may become necessary. The letters of General Morgan and other prisoners may be sent direct to General Meredith, commissioner for exchange of prisoners, at Fort Monroe, but they should be carefully scrutinized before mailing to see that they are of proper character, relating only to domestic affairs, not too long nor too frequent.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 17, 1863.

Brig. Gen. G. MARSTON,
Commanding Depot of Prisoners, Point Lookout, Md.:

GENERAL: Your plans and estimates for barracks at Point Lookout have been submitted to the Secretary of War for his approval, but he declines at this time to order the barracks constructed. It will, therefore, be necessary to have on hand a supply of tents to meet any unexpected arrival of prisoners, and I have, therefore, to request you will make requisition for sufficient tents, with what you have on hand, to accommodate 10,000 prisoners. Kitchens will also have to be provided, but these may be built with the prison fund. Locate them in such a way that if hereafter barracks are erected they will be in convenient position. Your letter without date in reference to rolls is received, My object is to obtain the rolls of prisoners received at the earliest day practicable consistent with accuracy. Copies of the roll received, with explanations of errors in names, so that all records may be corrected, is what I require. If an entire new roll is made I will not be able to compare your rolls with those I have already received, as there will be two names for the same man, which it will not be possible to detect.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 17, 1863.

Col. C. V. DE LAND,
Commanding Camp Douglas, Chicago, Ill.:

COLONEL: The Secretary of War will not now order the reconstruction of the barracks at Camp Douglas, which were burned down last winter. No more prisoners will be ordered there, and it is probable 1,000 will be transferred to the new depot at Rock Island in a few days.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 17, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: You mention that you heard that three prisoners attempted an escape by sawing off the pickets, and that if I think best, to board up on the inside. Those men could have sawed a hole through plank as well as what they did. They would have had more difficulty to get in the saw, it is true, unless they had an auger. I shall put up more lamps. There must be lamps enough so that the sentinels can see, however stormy and dark. It was a very stormy and dark night. It does not do to rely on hearing at all, as the noise of the waves overcomes every other. The prisoners have exhibited much enterprise of late in the attempts to get out. They have tried digging under ground from sinks; also from quarters, commencing under the buildings. None have been successful and I hope none will be.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 17, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: The smallpox has been brought here by prisoners three times; twice from Alton. Cases well developed have been in the ranks when prisoners arrived, though I suppose not so on leaving Alton. Hitherto it has been kept under, but is increasing now. There are seven cases in the pest-house. There is much alarm in the prison, and cunning men in there are pretending to be more alarmed than they are. It is one way on the part of desperate men to urge on desperate attempts. I have directed the doctor to do everything in the way of purification; also to have every prisoner vaccinated as soon as possible, and to move out cases as soon as the disease is detected. Of course, it is a bad disease in such a crowd.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

SAINT LOUIS, MO., *October 17, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of the U. S. military prison at Alton, Ill. I am now engaged inspecting the prison hospitals at this place, and shall leave for Indianapolis, Ind., on the 20th instant.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of the prisoners of war hospital at U. S. military prison, Alton, Ill., October 15, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Surgeon in charge—Actg. Asst. Surg. H. Williams. Location—on a limestone bluff on left bank of Mississippi River at northern border of the city of Alton, Ill. Vicinage—south, city; west, Mississippi River; north and east, limestone hills. Drainage—very good, drains kept in good order, lead into main sewer emptying into river. Buildings—formerly used as State prison workshops. Wards—two in number, besides a small shanty used as a smallpox hospital, on the northern end of a small island in the river opposite the prison. Capacity—for 100 patients. Patients, number of—114. Patients, condition of—very good, although the wards are overcrowded. Ventilation—very good, by side windows in each ward. Warming—sufficient, by stoves. Lighting—lamps, coal oil. Lavatories and baths—sufficient and in good order. Water supply—water brought from river in casks; one well in prison but water not good. Sewerage—sufficient and well attended to. Latrines and sinks—sufficient in number, well constructed, well policed, and well disinfected. Excreta, removal of—carried off by a drain connecting with main sewer. Furniture and utensils—sufficient in quantity and in good order, except bedsteads, which are of wood. Bedding—sufficient and clean. Kitchen—in good order and well policed. Kitchen utensils—sufficient and well kept. Cooks—prisoners, duties well performed. Cooking and serving—daily inspected by surgeon in charge. Diet, quality of—good. Diet, variety of—according to U. S. Army hospital diet table. Means of supply—through commissary and by purchase from hospital fund. Diet tables—U. S. Army hospital diet table. Storeroom—small and close, no means of ventilation, but clean and well kept; not sufficient room. Dispensary—well kept. Instruments and medicines—sufficient supply and in good order. Compounding and dispensing—by a hospital steward said by the surgeon in charge to be competent. Hospital stores and comforts—sufficient in quantity and same as U. S. Army general hospital; obtained on requisition from medical purveyor. Hospital records—very well kept. Hospital accounts—everything accounted for as in U. S. Army general hospital. Hospital fund—none on hand; has been expended for use of the sick. Hospital clothing—sufficient, obtained on requisition from medical purveyor. Reports—well attended to, except report of deaths to Commissary-General of Prisoners. Laundresses and laundry—no laundry attached to prison, clothing and bedding washed outside by laundresses paid from hospital fund. Repairs—none apparently needed at present; a new floor has been recently laid in one of the wards. Alterations and additions—should be additional accommodations for twenty-five patients provided. Medical attendance—competent but insufficient; an additional medical officer is needed. Discipline and police—discipline not as strict as it should be; police very good. Nurses—men, prisoners. Operating rooms—none provided, operations seldom required. Post-mortem rooms and dead-houses—none provided. Interments—in city cemetery. Diseases prevalent—typho-malarial fever, pneumonia, dysentery, diarrhea. Diseases zymotic—erysipelas; smallpox has been very prevalent, but five cases now remain and they are recovering. Diseases, prevention of—now carefully attended to; every man is vaccinated on his entry into the prison. Recoveries from diseases—ready,

considering the general debilitated condition of the patients. Mortality from diseases—average for last three months, 7 per cent. of the sick; about 2.8 per cent. of whole number of prisoners. This high average is owing to the prevalence of smallpox during the months of August and September, 1863.

Medical officers—Dr. H. Williams, contract made July 4, 1863, by Major Hendrickson, former commandant, a thoroughly competent officer; Dr. D. R. Marks, contract made September 1, 1863, by Colonel Kincaid. Commandant of post—Col. G. W. Kincaid, Thirty-seventh Iowa Volunteers. Command and strength—prisoners of war, 950; civilians, male, 160; female, 2; total, 162; Federal prisoners, 164; total prisoners, 1,276. Guard—Thirty-seventh Iowa Volunteers, 764. Police of prison—generally very good, is somewhat neglected about the mess-room and quarters of Federal prisoners. The prison cells are in very good condition, except that the bedding, &c., is not taken out and aired with sufficient frequency, and the prisoners are allowed to occupy the cell during the day. Quarters—the prison is overcrowded; there is only sufficient accommodation for about 900 prisoners; many of the cells are occupied by two men; the cells are well ventilated by means of shafts opening into the cells, and communicating with a main shaft opening on the outside of the building; they are well warmed by means of stoves in the corridors. Such quarters as were formerly used as workshops are tolerably well ventilated by means of side windows, and are warmed by stoves and open fireplaces. Cooking—the kitchen is well arranged and is well kept; the food and cooking for the prisoners is frequently inspected by the surgeon in charge. Cleanliness of men and clothing is better observed than in the other prisons which I have visited, but is still not as strictly enforced as it should be; the laundry facilities are entirely insufficient. Clothing—sufficient and good, obtained on requisition from quartermaster's department. Prison fund—over $7,000 now on hand. Articles purchased from this fund are registered, ready to be accounted for when necessary. In this prison more than any other which I have yet visited, regard seems to be paid to the comfort as well as security of the prisoners. The military discipline maintained is not as strict as it should be, yet every precaution seems to be taken to prevent escapes.

The surgeon in charge is skillful and experienced in his duties, having served for two years in the Army of the Cumberland. All means in his power are taken to promote the comfort of the sick and health of the well. Disinfectants are thoroughly and judiciously used. The necessity of ventilation is recognized and well provided for, and the result, notwithstanding the crowded state of the prison, is plainly to be seen in the pure condition of the atmosphere in the corridors and wards and in the improved appearance of the inmates.

This prison has lately suffered severely from an epidemic of smallpox. This, by the energetic and well-directed efforts of the present surgeon in charge, has been thoroughly arrested. A temporary smallpox hospital was erected on a small island in the river opposite the prison, and to it every case of the disease was removed, with the necessary nurses, dispensary, cooking apparatus, &c., and a strict quarantine established. Every person in the prison was vaccinated, and this is still enforced with each new prisoner on his entrance. The result is that there are but five cases of the disease remaining, and they are rapidly recovering.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, October 18, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to inclose you herewith copies of several communications received this day from Mr. Ould,* to which I beg leave to call your attention.

May I ask you to advise me as to any step I should take in the premises?

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

MERIDIAN, MISS., *October 18, 1863.*

General JOSEPH E. JOHNSTON:

DEAR SIR: This will inform you that Maj. M. W. Sims, a member of General P. O. Hébert's staff, of Texas, was captured by the Federals at Natchez on the 13th day of July last on his return to the west side of the Mississippi River. He had been sent with dispatches from General E. K. Smith to yourself, which he delivered to you at Jackson, Miss., on the 9th or 10th of July last. He was taken to Saint Louis, Mo., where he was kept about three weeks, when he was sent to Johnson's Island, in Lake Erie, where he was detained about one month, when he was ordered to Vicksburg, Miss., as he supposed, to be exchanged, and knew not to the contrary until he landed at Vicksburg and was ordered to jail, where he is now confined as a felon on the charge of having ordered the execution of two Federal prisoners at the engagement at Milliken's Bend. The above information was written to General Reuben Davis, of Aberdeen, Miss., by two different persons, friends of Major Sims, one of whom lives in Vicksburg and the other east of that place somewhere. General Davis was requested to give immediate notice of his condition to General R. E. Lee or yourself. General Davis immediately inclosed one of said letters to President Davis at Richmond, Va., and the other to yourself at this place, requesting his and your intercession on his behalf. If the case be such as not to admit of retaliation, can you not at least provide by flag of truce some means for him to have the benefit of all the evidence that can be produced on our side in his favor? You know the course to pursue that will be most beneficial to him. By giving this matter your prompt and careful attention you will bring upon me an obligation to you that cannot be discharged during the rest of my life, and be the means perhaps of rescuing from an untimely and shameful death a Confederate soldier and gentleman. Might there not be some additional testimony obtained by corresponding with Generals P. O. Hébert and E. K. Smith?

Very respectfully, your most obedient servant,

B. F. SIMS.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
October 19, 1863.

Hon. IRA HARRIS:

DEAR SIR: Your letter of the 17th instant has been received and referred to the Secretary of War, to whom the determination of the

* See pp. 386–388 for probable inclosures.

question raised properly belongs. He will no doubt advise you of his decision on the application. It may not, however, be improper for me to say that the opinion is entertained that at present the policy of the Department is against allowing rebel prisoners of war to take the oath of allegiance so long as we have captured soldiers of our own remaining in the hands of the Confederate authorities subject to exchange. They are believed to have the first claim upon our Government, a claim which would seem to be ignored to the extent that we deprive ourselves of the means of meeting it by setting at liberty those who, under the cartel, constitute the only available means for effecting exchanges. It is true that by this process soldiers are withdrawn from rebel ranks, but this is not regarded as such a gain to our cause as is the ransom of our own tried troops from Southern prisons. There are in addition considerations of humanity involved which cannot be disregarded.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS.
Washington, D. C., October 19, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: I have just received the report of Surgeon Clark, a medical inspector of prisoners of war, of his inspection of the sanitary condition of the depot under your command, and there are some things in his report which require immediate attention. Surgeon Clark reports the police of the prisoners' barracks and hospital very bad. This is a state of things for which there can be no sufficient excuse. If the police cannot be very good there is surely no excuse for its being very bad. In such a body of men there should be found enough with proper feelings of humanity, cleanliness, and industry to take charge of a hospital of sixty patients and keep it in tolerable police. It requires only proper energy and judgment on the part of those in charge to insure favorable results. The police of the whole camp, excepting the officers' quarters, and to a certain extent the guard barracks and hospital, is most inexcusably neglected. Some of the beds in the prison hospital are in a horribly filthy condition. I do not appreciate the necessity for this state of things, knowing that you have a wash-house and the means of paying for the washing. It shows a very great neglect on the part of the surgeon in charge, which the commanding officer should not have tolerated. It is reported that but two wards are in use, the other two requiring repairs. I cannot understand why any part of the hospital should be permitted to become so much out of repair as to be unfit for occupancy, except through the same causes which bring about the utter neglect of cleanliness. There is a deficiency of hospital underclothing, and this, with the bedding, is not properly washed. Receptacles for garbage and other offal from the cook-houses and barracks should be provided. Lime or some more powerful disinfecting agent should be used more freely. The prisoners' barracks should be thoroughly policed every day instead of once a week. I observed several chamber utensils in the barracks. These should only be allowed in the hospitals. Much of the fault undoubtedly lies with the prisoners themselves, but were deficiencies once supplied and strict discipline enforced a much better condition of things would soon ensue.

I make these quotations to call your attention to the most conspicuous deficiencies, in the expectation that immediate measures will be taken to remedy the present unsatisfactory condition of your command. You have a field officer to assist you in the executive duties and a surgeon in the immediate charge of the sick and the hospital, and if there is anything wanting in any branch of the service the responsibility rests on you. Surgeon Clark recommends some arrangement for a more thorough ventilation of the barracks and hospital, and you are at liberty to effect this object in any way that is practicable. He reports the sinks in a filthy condition and nearly filled up. Have new ones dug immediately and the old ones filled up, either by the labor of prisoners or by hiring laborers to be paid out of the prison fund, as you may think advisable. This matter should not have been left to be ordered on the report of a medical inspector. I cannot go into details as to what steps you should take to put your command in a proper condition in all its branches. You have the authority in your own hands, and it is left to your discretion and judgment to use it in such way as to insure proper results. Surgeon Clark recommends the introduction of another water pipe and pump, which I approve of, the expense to be paid out of the prison fund. A medical officer will be ordered to the depot to assist Doctor Woodbridge, from which I anticipate an improved condition of the sick and hospital. If you require more room for the sick or the guard, build a kitchen and store-room in rear of the hospital, and use the rooms so vacated for wards. If all the wards in the hospital are put in good condition, and you have not got sufficient room for the sick, appropriate the whole or part of an adjoining building to the use of the convalescent cases.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 19, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: Your letter of the 16th instant urging the necessity for additional guard and the presence of the U. S. steamer Michigan in the Bay of Sandusky to prevent an attempt by the prisoners of war to make their escape is received. I am still of the opinion that with due vigilance on the part of the guard there is little danger that the prisoners will make an effort to escape by overcoming the guard. You have two block-houses which cannot be taken by unarmed men unless the guard on duty in them all go to sleep and suffer themselves to be surprised and disarmed. Your companies are armed with muskets and revolvers, and if your men are properly cautioned as to the disposition of their arms on retiring at night, it should not be possible for the prisoners to overcome them before they can use them effectually. Assuming, as you suggest, the possibility of their disarming your command, how are they going to leave the island when you have command of the water? They cannot cross to the mainland either on rafts or in boats when you have the Eastern, and other boats if necessary, to prevent it. It cannot be expected that your command will be so large that no special attention will be requisite to deter the prisoners from a combined effort to escape, and as war cannot be made without some hazard, your command must be prepared to overcome any attack

that its limited number may possibly, but not probably invite. To habituate your men to be always on the alert, require them to parade under arms at reveille and tattoo, the officers being all present, and let each man have a particular place where to place his arms, and give him special instructions what to do in case of alarm, day or night. If a fire should break out, your whole command, except such as have been specially detailed to subdue the fire, should be under arms. To be prepared for any emergency, prepare a telegram to the military commandant at Detroit, calling for a steamer and troops to assist you, and leave it at the telegraph office or with some person in whom you have confidence, to be forwarded upon the occurrence of any considerable signs of a revolt on the part of the prisoners, such as the continuous firing of guns. Have it so understood that there will be no false alarm. You had better write to the military commandant, Lieut. Col. J. R. Smith, and explain to him what you think may occur, and what kind of assistance you will require, so that he may be prepared for your telegram.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 19, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: On the arrival of the last detachment of prisoners on the 16th there were among them six servants, four colored and two white, the latter small boys. Lieutenant Hamilton, of the Tenth Infantry, U. S. Army, who had charge of the prisoners, said these servants were furnished transportation to this post. The officers (prisoners) assured me they had been allowed in all the prisons they had been in, and that transportation had been furnished. Also that it was fully understood and agreed upon by General Banks in the surrender at Port Hudson. I inquired for any paper on the subject, and was shown the paper of which the within is a copy, viz, Special Orders, No. 240. I told them the servants could go in; that I should issue no rations for them, and that I would forward a statement of the matter to you for directions. I inclose the same herewith. As these servants have been sent along by the permission of General Banks I thought it proper some one should pass on the matter of higher authority than myself. Please give me such directions as you think proper.

Very respectfully, your obedient servant,

WM. S. PIERSON,

Lieutenant-Colonel Hoffman's Battalion, Commanding.

P. S.—Besides the permission to Colonel Steedman I saw other permissions, but do not know as all had from seeing them, but they gave me their word that they all brought them by permission.

[Inclosure.]

U. S. PRISON, JOHNSON'S ISLAND, *October 17, 1863.*

Lieutenant-Colonel PIERSON:

SIR: We, the undersigned officers of the C. S. Army, now prisoners of war, respectfully ask that our negro servants, four in number, who

have accompanied us here, be permitted to enter and remain in the prison with us during our confinement. We would base our application upon one of the articles of capitulation under which the garrison of Port Hudson was surrendered. The article is in substance as follows (we have no copy with us): That servants belonging to officers of the command be permitted either to go to their respective homes or accompany their owners, at their own choice. Under this stipulation many servants in the command went home in charge of horses and other private property, passports being given for the purpose by the provost-marshal. The servants of the undersigned, desiring to accompany us, were given passports and transportation in the steamers with us to New Orleans. They were admitted into the prisons with us and allowed to remain during our three months' confinement there. When ordered to New York, fearing some difficulty in retaining our servants, application was made to Major-General Banks for a special order which would avoid all difficulty in his department and at the same time answer as the best recommendation we could have for their admission into prisons beyond the control of Major-General Banks. The special order was promptly given, a copy of which is inclosed with this communication. Under this order these servants accompanied us to New York, thence to Governor's Island, and from there to this point. We now earnestly ask that they be allowed to remain in this prison with us for the reasons stated above. Furthermore, they are exceedingly anxious to remain, their wishes having been consulted upon each removal. Humanity, independent of the above considerations, would forbid our quietly permitting these faithful servants to be turned loose during a winter in this latitude, without means or friends.

We are, very respectfully,

I. G. W. STEEDMAN,
Colonel First Regiment Alabama Volunteers, C. S. Army.
R. M. HEWITT,
Captain, and Adjutant Miles Legion, C. S. Army.
J. B. WILSON,
Lieutenant, Thirty-ninth Mississippi Volunteers, C. S. Army.
O. P. AMACKER,
Captain, Ninth Louisiana Battalion Cavalry, C. S. Army.

[Sub-inclosure.]

SPECIAL ORDERS, No. 240. } HDQRS. DEPARTMENT OF THE GULF, *New Orleans, September 25, 1863.*

I. Col. I. G. W. Steedman, C. S. service, prisoner of war, has permission to take his servant North with him. The quartermaster's department will furnish transportation.

* * * * * * *

By command of Major-General Banks:

G. NORMAN LIEBER,
Acting Assistant Adjutant-General.

RICHMOND, *October 19, 1863.*

Hon. S. R. MALLORY, *Secretary of the Navy:*

SIR: I have the honor to inclose to you a communication just received by flag-of-truce boat. No such list as Mr. Welles refers to has ever been presented to me by the Federal agent of exchange.

The latter sentence of Mr. Welles' letter contains a malignant falsehood. The Navy Department at Washington, never having made any proposition "to effect exchanges," it cannot be truthfully said that the authorities at Richmond have declined to respond. In point of fact, Commander Webb and his brother officers are detained because it is the evident determination of the authorities at Washington to keep our officers, army and navy, in captivity. So far from Mr. Welles having shown any disposition to further exchanges, he has more than once caused parties to be arrested and confined who had been released by the orders of the Federal War Department, in consequence of a specific arrangement of exchange made between the Federal agent and myself.

I see no good reason for making a distinction between navy and army officers. I would therefore much prefer a general exchange of all officers. To that end several weeks ago I submitted a formal proposition to the Federal agent, to which he has not responded, and probably never will. Yet so anxious am I to procure the release of our officers that, though opposed to special exchanges for many good reasons, I will agree to the proposition which Mr. Welles says has been proposed by him whenever it is presented to me, if it includes all of our navy officers held in confinement.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

NAVY DEPARTMENT, *Washington, October 20, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose herewith for your perusal three letters from Acting Master John Dillingham, U. S. Navy, late commanding officer of the U. S. S. Morning Light, which vessel, with the U. S. schooner Velocity, was captured at Sabine Pass on the 21st of January last. The officers and crews of these vessels have been in confinement since that date, and, it appears from the letters of Acting Master Dillingham, have suffered much from sickness and other causes. It is to be hoped that they will be soon released and restored to the service and their families.

In addition to these cases, the detention of a part of the officers and a portion of the crew of the U. S. S. Harriet Lane is a subject that deserves especial attention. The Harriet Lane was captured January 1, 1863, and some of her officers and men were paroled and sent home shortly afterward. The remainder have been detained and imprisoned, notwithstanding this Department was informed by Colonel Ludlow on the 30th of May last that all the officers and men of the Harriet Lane had been declared duly exchanged. The detention of these persons has been several times brought to the notice of the commissioners for the exchange of prisoners, and they doubtless gave the subject their attention. But the desired object has not been attained, and prompt and more potent measures seem to be required. I therefore have the honor to invite your attention to the subject.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

[Indorsement.]

WASHINGTON, *October 26, 1863.*

This copy of a letter from the Navy to the War Department is sent to General Meredith, with instructions to confer with Mr. Ould on the subject, especially as to the prisoners of the Harriet Lane.

General Meredith's report on the subject, when received by the undersigned, will be transmitted to Navy Department.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

HEADQUARTERS OF THE ARMY, *October 20, 1863.*

Colonel HOFFMAN:

COLONEL: The General-in-Chief wishes to know the number of U. S. troops paroled, but not yet exchanged.

Very respectfully,

J. C. KELTON,
Assistant Adjutant-General.

[First indorsement.]

OCTOBER 20, 1863.

COLONEL: There are 1,371 men on parole, delivered at City Point in September.

Yours,

W. HOFFMAN.

[Second indorsement.]

OCTOBER 21, 1863.

General HITCHCOCK:

Cannot these men be declared exchanged and sent to the field?

H. W. HALLECK,
General-in-Chief.

[Third indorsement.]

I am disposed to think that the irregularities set on foot by Mr. Ould must end somewhere, and had better be terminated by non-action on our part from the date of the last declaration. To declare the men exchanged who have been paroled since the 1st of September will seem to be following the example of Mr. Ould in a false direction, and can only tend to embarrass future efforts to return to the laws and usages of war. At all events, before making a further declaration of exchange on our part it would be better to make one distinct effort to draw from the rebel agent a statement of the kind of paroled prisoners he claims as constituting his rights to make declarations.

Respectfully submitted.

E. A. HITCHCOCK,
Major-General of Volunteers and Commissioner for Exchange.

DEPOT OF PRISONERS OF WAR,
Near Sandusky, Ohio, October 20, 1863.

Lieut. Col. WILLIAM S. PIERSON,
Commanding Depot Prisoners of War:

COLONEL: In obedience to instructions received from you this morning I have the honor to report that in my opinion our force here is inadequate to the duty at present, and should be re-enforced to the extent of at least two companies at once, and in the event of the present

number of prisoners remaining until the bay is frozen over, three or four companies more than our present force would be none too much. If the gun-boat Michigan could be ordered here it would add vastly to the security of the prisoners and prevent even the attempt at revolt, which in their present temper is likely to occur at any moment.

I have the honor to be, very respectfully, your obedient servant,

E. A. SCOVILL,
Major Hoffman's Battalion Ohio Volunteer Infantry.

[Indorsement.]

HEADQUARTERS DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 20, 1863.

Respectfully referred to Col. William Hoffman, Third Infantry, U. S. Army, Commissary-General of Prisoners, with the report that I called on Major Scovill in obedience to your telegram, this day received, for his views as to increase of guards at this fort, and the within is his reply.

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

RICHMOND, *October 20, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: More than a month ago I asked your acquiescence in a proposition that all officers and soldiers on both sides should be released in conformity with the provisions of the cartel. In order to obviate the difficulties between us I suggested that all officers and men on both sides should be released, unless they were subject to charges, in which event the opposite Government should have the right of holding one or more hostages if the retention was not justified. You stated to me in conversation that this proposition was very fair, and that you would ask the consent of your Government to it. As usual, you have as yet made no response. I tell you frankly I do not expect any. Perhaps you may disappoint me and tell me that you reject or accept the proposition. I write this letter for the purpose of bringing to your recollection my proposition, and of dissipating the idea that seems to have been purposely encouraged by your public papers, that the Confederate Government has refused or objected to a system of exchange.

In order to avoid any mistake in that direction I now propose that all officers and men on both sides be released in conformity with the provisions of the cartel, the excess on one side or the other to be on parole. Will you accept this? I have no expectation of an answer, but perhaps you may give one. If it does come, I hope it will be soon.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., October 20, 1863.

COMMANDING OFFICER C. S. ARMY IN NORTH MISSISSIPPI:

SIR: I am in possession of a letter from Brigadier-General Chalmers stating that he holds two officers, lately captured, as hostages for one Cushman, pretending to be a captain in C. S. service.

The offenses for which Cushman was tried are robbery and murder, not pretended to have been committed in any military capacity, and within the lines of the U. S. forces.

No evidence has been produced that Cushman has, or ever had, any rank in the Confederate service, or has ever been commissioned, appointed, or recognized by any legitimate authority, or was ever subject to or obeyed any orders of any military authority. He was not even an officer of the plundering band known as Richardson's Partisan Rangers, since, I am informed, remodeled and recognized as soldiers of the Confederate authorities. I have the original books, papers, and muster-rolls of the so-called Colonel Richardson, captured at one of the many times he ran away in West Tennessee. No such person as Cushman is on his muster-rolls as an officer; therefore I do not believe his statement. I should not hesitate in ordinary circumstances to take the word of a commissioned officer of such rank as General R. V. Richardson, and were it not that I hold his own papers to contradict him, and have besides no faith in a man who habitually while in West Tennessee sold out his own Government, if he has any such, by pocketing for his own use fines and bounties for exemption from conscription, and all other illegitimate means of plunder, I should hold Cushman as a prisoner of war.

He is now confined in Alton prison as a common thief and robber—one who preyed upon unarmed and innocent people.

If the Confederate authorities choose to exercise rigor upon officers captured in open war they can do so, and it will be of a piece with the honor which declares the Vicksburg prisoners exchanged when no equivalent for them has ever been offered to the United States.

S. A. HURLBUT,
Major-General.

COLUMBUS, OHIO, *October 21, 1863.*

Hon. E. M. STANTON:

I feel it my duty to advise that the guard at Johnson's Island be at once largely increased. It now consists of four companies. We have at that place 2,500 prisoners, over 2,000 of whom are officers, many of high grade. I recommend that the battalion be increased to a full regiment.

DAVID TOD,
Governor.

WAR DEPARTMENT, *Washington, October 21, 1863.*

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

Mr. Talbot, a prisoner of war, is said to be in a low condition of health at Johnson's Island. It is presumed that your attention is directed to the condition of all of the prisoners, and that you will see that Talbot receives every care that circumstances will permit.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 21, 1863.

Hon. A. I. BOREMAN,
Governor of West Virginia, Wheeling, W. Va.:

SIR: Your letter of the 14th instant addressed to Brigadier-General Meredith, making inquiries as to protection extended by the General Government to the militia of West Virginia when captured by the enemy, has been referred to this office, and in reply I have the honor to inform you that by the cartel, a copy of which please find inclosed,* State organizations are not recognized unless when actually in the military service of the respective parties. But by an understanding between the commissioners for exchange heretofore all irregular organizations have been exchanged as other troops, and if any exchanges are hereafter made I presume the practice will be continued. At this time neither party is delivering prisoners of war, and so long as this continues there will be no general exchanges. I fear that nothing can be done in the case of Corpl. Cornelius F. Ketterman, as it appears that the duty upon which he was sent was very like that of a spy.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 21, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing copies of several communications received from Mr. Ould, and requesting any suggestions I may think proper to make in the premises. Mr. Ould is so utterly reckless of integrity and fairness and so full of finesse in his declarations, and in the foundations which he claims for them, that I do not see how it is possible to continue longer your efforts to carry out the cartel with him, or any engagements he may enter into. In the first place, without available previous notice, he makes a sweeping declaration of the exchange of masses of men without giving you any intimation of who or how many are covered by it, leaving you to ascertain this by such means as are within your reach, and when you have made up the number from the record and announced a declaration to meet his, inviting at the same time the production on his part of any reliable evidence to show if there be error, he, with unblushing assurance, and without a line of record to sustain him, asserts that your figures are not correct, and then, under pretense of following your example, he aggravates the wrong by declaring still another exchange, again giving neither numbers nor persons. He goes so far even as to acknowledge that in his first declaration he did not know how many men it embraced, as he had no rolls, and it is folly or worse to attempt to negotiate with a man whose principles are so flexible that his rule of action is in no way influenced by a sense of honesty or honor. In my opinion you cannot hesitate to report that no reliance can be placed on the words or acts of Mr. Ould, and decline to have further communication with him. I do not think it would be advisable to consent to special exchanges. It would open

*See Vol. IV, this series, p. 266.

the door to an infinite number of applications for such preferences, and those who failed and their friends would make loud complaints of partiality, which there would be much room for. We have no colonel on parole who could be made an equivalent for Col. T. P. Dockery, Nineteenth Arkansas, declared exchanged by Mr. Ould, and I would suggest that you call on him to release a colonel from Richmond as an equivalent. He will probably not consent to it, but you have a clear right to make the demand. I will make inquiries in relation to the treatment of General Morgan's officers. I will furnish you with an abstract of the officers and men covered by Mr. Ould's declarations.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 21, 1863.

Brig. Gen. JOHN S. MASON, *Commanding, Columbus, Ohio:*

GENERAL: I have the honor to request you will inform me of the treatment received by General Morgan and his officers on their arrival at Columbus. They complain that on being placed in the penitentiary they were treated as being convicts, in being shaved and having their hair cut short. Please give me all the details and the authority for any peculiar treatment which they may have received. It has been reported that their money, watches, and other property was taken from them. Please inform me if this report be true, and if so, what disposition was made of the money and property?

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

INDIANAPOLIS, IND., *October 21, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of U. S. military prisons and hospital at Saint Louis, Mo. I also visited Schofield Barracks in that city, but as they are used merely as a stragglers' camp and for the temporary confinement of Federal soldiers, I forward no report. I shall proceed to-morrow to inspect Camp Morton at this place, and leave on the 23d instant for Louisville, Ky.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of the inspection of the Gratiot and Myrtle Street Prisons and Hospital at Saint Louis, Mo., October 18, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Surgeon in charge—Actg. Asst. Surg. G. H. Hood, U. S. Army. Location of hospital—corner of Eighth and Gratiot streets. Vicinage—city. Drainage—tolerably good, into city sewer. Buildings—three large buildings, formerly used as a medical college, and four smaller, formerly

dwellings. Wards—two large wards in college buildings and twelve small rooms in dwelling houses. Capacity—full capacity for 200 patients. Patients, number of—rebel soldiers, 156; civilians, 40; total 196. Patients, condition of—generally good. Patients, return to prison of—not returned till fully recovered. Ventilation—in large wards good; in small wards poor. Warming—well warmed by stoves. Lighting—lamps. Lavatories and baths—sufficient and in very good order. Water supply—sufficient, from river, by city works. Sewerage—sufficient, into city sewer. Water-closets—sufficient in number and in tolerably good condition, but not emptied sufficiently often, nor sufficiently disinfected. Excreta, removal of—by night carts, usually once a month. Furniture and utensils—obtained on requisition from the medical purveyor; sufficient and in very good order. Bedding—sufficient and clean. Kitchens—two, in excellent order, one under charge of two Sisters of Charity for preparation of delicacies. Kitchen utensils—sufficient and in very good order. Cooks—prisoners, duties well performed. Cooking and serving—daily inspected by surgeon in charge. Diet, quality of—good. Diet, variety of—sufficiently varied; means of supply, from commissary and purchase from hospital fund. Diet tables—U. S. general hospital diet tables. Store-room—in good order. Dispensary—instruments and medicines, in very good order; compounding and dispensing, well performed by a contract nurse acting as hospital steward. Hospital stores and comforts—sufficient and in good order. Hospital records—well kept. Hospital fund—$75 on hand September 30, 1863. Hospital clothing—sufficient, obtained from medical purveyor. Reports—well kept up. Returns—such property as is not accounted for to medical department is kept invoiced ready to be accounted for. Laundresses and laundry—washing done at steam laundry and paid for from hospital fund. Repair—none needed except arrangements for ventilation. Medical attendance—three medical officers, sufficient. Chaplain—one chaplain officiates here and at Benton Barracks. Discipline and police—discipline lax; police very good, especially in large wards. Nurses, men—two contract nurses, the rest prisoners. Nurses, women—two Sisters of Charity. Operating and post-mortem rooms—none provided. Dead-houses—in good order. Interments—by contract with Government undertaker. Diseases prevalent—miasmatic, pulmonic, diarrhea. Diseases zymotic—no smallpox lately. Wounds and operations—wounded seldom received here. Recoveries from diseases—said to be ready. Mortality from diseases and wounds—average 3 per cent. of the sick. The surgeon in charge considers that several deaths were caused the last of last month and the first of this by the delay of the keeper in putting up the stoves.

Medical officers—Actg. Asst. Surg. George H. Hood (a good officer, his duties are thoroughly performed); Actg. Asst. Surg. George W. Dudley, Actg. Asst. Surg. James M. Youngblood. This hospital also receives the patients from the Myrtle Street prison, which has no hospital attached. The two prisons are in a fair state of police, especially the Gratiot Street prison.

The cooking arrangements are sufficient and kept in good order, and the food appears to be properly inspected. The water-closets are kept in fair condition, though sufficient use is not made of disinfectants. In the Myrtle Street prison the water-closets are drained into the city sewer. There are at present in the two prisons 962 prisoners, divided as follows: Myrtle Street, Federal officers, 4; Federal soldiers, 82; rebel soldiers, 5; civilians, 33; total, 124. Gratiot Street, Federal soldiers, 10; rebel soldiers, 654; civilians, 174; total, 838. Total Federal

officers, 4; total Federal soldiers, 92; total rebel soldiers, 659; total civilians, 207; aggregate, 962. The Myrtle Street prison has accommodation for about 100 prisoners, but an addition is being built which will increase this to about 130. The Gratiot Street prison will accommodate about 900. In the lower room of the central building of this prison, and containing some 50 prisoners, no bunks are provided for the use of the prisoners, who are thus obliged to spread their bedding on the stone floor, which is frequently damp, thus tending to produce disease. Abundant bathing and washing facilities are provided at this prison, and the prisoners look well and clean, in contrast to those confined in the Myrtle Street prison, where these facilities are extremely limited, the rooms small, not ventilated, and overcrowded, while the prison itself is located in the heart of the city, lower than the surrounding buildings, and altogether unsuited for the purpose for which it is used. The reports of these two prisons are combined, as they are but branches of the same prison, and under command of the same officer, Capt. C. C. Byrne, First Missouri Volunteers. The keeper of the Myrtle Street prison is very much less qualified for his post than is the keeper of the Gratiot Street prison. All imperishable articles purchased from the prison or hospital funds are kept invoiced, ready to be accounted for. In other respects the requirements of the circular appear to be well carried out.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

INDIANAPOLIS, IND., *October 21, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of medical inspection of Benton Barracks, near Saint Louis, Mo., October 19, 1863.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of camp and field hospital at Benton Barracks, near Saint Louis, Mo., October 19, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—Benton Barracks. Commander of camp—Col. B. L. E. Bonneville, U. S. Army. Command and strength—guard, Eleventh Missouri Cavalry, 40 men; Federal paroled prisoners, 63. Location of camp—four miles and a half northwest of Saint Louis, Mo. Time occupied—about two years. Water, source and supply—abundant, from river by city water-works. Water, quality and effects—good. Fuel—coal for heating, wood for cooking purposes. Soil—loam on sand, readily stirred up into mud. Drainage—generally good, by wooden drains of sufficient size, but which open too near the camp. Topography—prairie land. Meteorology—much rain. Police of camp—could not be better. Tents or huts, position—barracks arranged on north and south sides of an oblong square. Tents or huts, pattern and quality—both very good; ten barracks, each calculated for ten companies of 100 men with the company officers. Tents or huts, ventilation—well provided for, by hinged shutters along eaves, ventilators in roof, and

side windows. Tents or huts, sufficiency—10,000 men. Tents or huts, heating—sufficient, one stove in each company barrack. Sinks, construction—very faulty, too large, about 20 feet long, 6 feet wide, and 6 feet deep. Sinks, condition and position—very foul, about 100 feet in rear of each regimental barrack. Sinks, management, removal of offal, &c.—disinfection imperfectly accomplished by means of lime; apart from their too great size and consequent accumulation of offal they are well kept. Previous use of camp—camp of instruction. Cooking in camp and inspection of food—well provided for and inspected by commanding officer. Portable ovens—bread baked in camp by contractor, quality good. Vegetables—sufficient supply. Cleanliness of men and clothing—no judgment to be formed, as the few men present had but just arrived and were engaged in policing their quarters. Blankets and bedding—abundant for hospital purposes. Condition of men in hospital—could not be better; everything about the hospital is clean and sweet. Hospital buildings—one barrack divided into two wards, with the necessary outbuildings. Hospital police—unexceptionable in every particular. Hospital discipline—evidently strict. Hospital diet and cooking—very well provided for and inspected; U. S. general hospital diet table. Heat and ventilation—well heated by stoves; ventilation side and roof, nearly perfect. Hospital capacity—100 patients. Number sick—33, chiefly belonging to Eleventh Missouri Cavalry. State of medical supplies, surgical instruments, and records—good, and very well kept by an old U. S. Army hospital steward. State of hospital fund—none on hand, as the post hospital has but recently been separated from the U. S. Army general hospital. Medical attendance—two medical officers. Nursing—well performed by convalescents. Interments—by Government undertaker. Diseases prevalent—malarial, pulmonic. Diseases, prevention of—the hospital is badly located, but every advantage that a thorough state of police offers is seized. Recoveries from diseases—comparatively slow from bad location of hospital. Medical officers—Surg. Ira Russell, U. S. Volunteers; Acting Asst. Surg. William A. McMurray.

This camp is in admirable condition in every respect except as regards the sinks and location of the hospital. The sinks are altogether too large and are not drained. The hospital is located at the western extremity of the camp and on its lowest ground. The drains here come very near the surface, and the ground, which is naturally marshy and declines from every direction toward the hospital, is, consequently, very imperfectly drained. In fact, I am informed that in continuous wet weather the hospital forms an island in the midst of a pond. The surgeon in charge states that very few patients escape the malarious influence after remaining for a few days in the hospital. Increased hospital accommodation is also needed. Until the latter part of September the post hospital was included in the U. S. Army general hospital, situated adjacent to the camp and under the charge of the present surgeon in charge of the post. When it was separated the surgeon in charge in turning over the hospital property to his relieving officer retained such portion of it as was needed for the post hospital. All property in the hospital not accounted for to the medical department and all imperishable property purchased from the camp fund is kept invoiced ready to be accounted for. The camp fund on hand September 30 was $1,965.36. From it are purchased table furniture, policing furniture, blanks printed, and extra-duty men paid. There have been no prisoners at this camp since the last of September, until October 19, when sixty-three were received from Annapolis, Md. The highest

credit is due the commanding officer and the surgeon in charge for the admirable manner in which this camp and hospital are kept.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

OHIO STATE PENITENTIARY, *Columbus, October 22, 1863.*

Hon. JAMES A. SEDDON, *Secretary of War, C. S. Army:*

SIR: About the 1st of September, writing from Camp Chase to a friend in Kentucky in reference to the probabilities of our exchange, and in view of the proclamation of President Lincoln on the subject of negro soldiers, I used (as well as I remember) the following language, viz:

> I cannot tell how long we will be prisoners. Until the end of time, yes, until eternity has run its last round, rather than our Government shall acknowledge the doctrine of negro equality by an exchange of negro soldiers. I hope all negroes captured in arms and their officers may be hung. I am willing to risk the consequences.

Meaning that I was in favor of executing the statutes of the Southern States as provided for negroes in insurrection, and those aiding or inciting such insurrection, and that I would scorn to accept liberty or life obtained at the sacrifice of principle on the part of a Government to the support of which my humble services as a soldier for the past three years have been devoted.

I am informed that this letter was sent to the War Department at Washington. Whereupon on the 10th of October I was placed in solitary confinement at this place. I respectfully ask that these facts be laid before the Confederate authorities that they may take such action for my relief as is deemed consistent with the policy and honor of our Government. I give the following references to my character, all of whom President Davis knows personally: Of Holly Springs, Miss.: Hon. J. W. Clapp, Member of Congress; Hon. J. W. C. Watson, General James R. Chalmers, General H. W. Walter, General Bragg's staff; Col. Samuel Benton, Thirty-seventh Mississippi. Of Oxford, Miss.: Hon. Jacob Thompson, Hon. James M. Howry, W. F. Avent, James Brown.

Let me know if this reaches you.

Respectfully, your obedient servant,

THOS. B. WEBBER,
Major (Duke's) Second Kentucky Cavalry.

[First indorsement.]

OCTOBER 22, 1863.

Respectfully approved. It will be perceived that Major Webber, a prisoner of war, has been punished for expressing sentiments hostile to the policy of the United States Government, the letter in which such expressions occurred having been submitted to the inspection of a Federal officer previous to being forwarded to its address.

BASIL W. DUKE,
Colonel of Cavalry, C. S. Army, Prisoner of War.

[Second indorsement.]

STATE PENITENTIARY, *Columbus, Ohio, October 22, 1863.*

Approved and respectfully forwarded. It will be seen that no violation of military law is alleged against Major Webber, his crime being

simply the expression of sentiments hostile to the policy of the United States Government in the employment of negro slaves as soldiers.

JNO. H. MORGAN,
Brigadier-General, C. S. Army.

[Third indorsement.]

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, October 24, 1863.

Respectfully referred to Colonel Hoffman, Commissary-General of Prisoners.

The order from the Secretary of War was to have Major Webber closely confined in the Ohio penitentiary. He has therefore been placed in a separate cell, but is allowed to exercise some five or six hours each day. His cell is not near enough to those of the other rebel prisoners to allow him to have any intercourse with them.*

JNO. S. MASON,
Brigadier-General, Commanding.

WASHINGTON, *October 22, 1863.*

To His Excellency the PRESIDENT:

I beg permission to lay before you the inclosed telegraphic dispatch received by me this morning in relation to the case of Doctor Wright, who is under order to suffer execution to-morrow morning.

To proceed with the execution under such doubt as to the fairness and impartiality of his trial as is now thrown upon it would destroy the moral effect of the proceeding and would be productive rather of sympathy for the accused than horror at the criminality with which he stands charged.

I received, after the court was organized and before the introduction of any evidence as to the question of guilt or innocence, information that a state of facts existed such as indicated in the dispatch, and which precluded the chances of an impartial trial, but was restrained by a pledge of secrecy and confidence from making any use of the information communicated to me.

Now, however, I entertain the belief that proof can be exhibited to establish the fact that the trial was not before such a tribunal as could be safely intrusted with the liberties and lives of the people.

I remain, most respectfully,

LEMUEL J. BOWDEN.

[Inclosure.]

NORFOLK, VA., *October 22, 1863.*

Hon. L. J. BOWDEN, *National Hotel:*

I have the signed certificate of a commissioned officer, U. S. Army, declaring that a number[a] of the military commission which tried Doctor Wright expressed himself unfavorable to that individual before the prisoner was arraigned or he had heard any of the testimony.

Answer immediately.

THOMAS R. BOWDEN,
Attorney-General of Virginia.

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*It is improbable, from this indorsement, that Webber's letter to Seddon ever reached its destination. No further action is found.

[a]Doubtless intended for "member." The military commission consisted of only three members and a judge-advocate.—L. J. BOWDEN.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, October 22, 1863.

Hon. E. M. STANTON, *Secretary of War:*

In the case of Hardcastle, a British subject, accidentally shot by a sentry while in confinement at the Carroll prison, in this city, on 25th of May last, I have the honor to submit as follows, in response to your indorsement of reference of the 20th instant:

This case comes before the War Department from the Department of State, upon a communication from the British minister to Mr. Seward, of August 13 last. In this communication Lord Lyons, after setting forth the views of Her Majesty's Government with regard to the original imprisonment of Hardcastle, as well as to the manner of his death, concludes as follows:

> The whole case leaves a very painful impression upon the minds of Her Majesty's Government. The liberty of a British subject was (they conceive) interfered with without any serious cause and in apparent breach of good faith. The representations of Her Majesty's legation in his behalf did not procure his release, and in the end his life was carelessly sacrificed by the accidental result of a rough and unmerciful system of prison discipline, excused on the ground of the unsuitableness and the overcrowded state of the U. S. military prisons.

From the various reports and papers furnished the War Department by Brigadier-General Martindale, military governor of the District of Columbia, who has evidently investigated the subject with care, the causes of the confinement of Hardcastle and the facts of his death are found to be as follows:

Hardcastle was placed in confinement in the Carroll (or Old Capitol) prison on 17th of April last. He had arrived at Port Conway, below Falmouth, with a flag of truce from the rebel army, having come from Richmond under a pass from General Winder, indorsed by General Lee. On his arrival within our lines he was forwarded in arrest by General Patrick, provost-marshal-general of the Army of the Potomac, to the provost-marshal at Washington, with the papers found upon his person describing him as a British subject and with a communication from General Patrick, calling attention to an apparent want of genuineness in these papers, tending to discredit their bona fide character. It is well remarked by General Martindale that—

> The effort to prevent intercommunication for improper purposes across the lines of our armies would be abortive if the reception of persons under a flag of truce should be held to preclude detention for the purpose of further examination.

It has accordingly been customary with this Government to require this detention and examination as a precaution, in the majority of cases absolutely necessary to be taken, against the designs of those classes of persons who, by the laws and customs of war, should properly be excluded from the privilege of penetrating within our territory. That the enforcement of this rule should sometimes subject neutrals to temporary inconvenience is perhaps inevitable, but it has been the purpose of this Government to require this detention in those cases only where the conduct, the business, or the credentials of the party are not found to furnish a sufficient guarantee that his object in seeking to enter our lines is such as may properly be had in view by a citizen of a neutral power. In the case of Hardcastle, the facts brought to light upon his examination (which was pending at the time of his death), and subsequently, were such, it is believed, as to fully justify his arrest and detention, as well as the suspicion in regard to his actual character and antecedents which appear to have arisen at the time of his arrest. It is shown that he had resided for eight years in the United States,

eight months of which period had been passed by him in the Southern States; that his sympathies were with the rebels; that without authority from the United States Government to pass beyond our lines he had succeeded in so doing, and had proceeded to Richmond, Charleston, and Savannah; that, his profession being that of a pyrotechnist, he had visited Charleston in this capacity, and had actually rendered services as such in the construction of torpedoes for the defense of the harbor of the city. Most of these facts were made known by the prisoner himself in statements made by him to Mr. Wood, the superintendent of the prison. But it is to be observed that these statements were made freely and voluntarily and in a boastful manner, especially when the defenses were alluded to, the prisoner frequently vaunting their magnitude and impregnable character.

In view of these antecedents of his and especially of the services represented by him to have been rendered the enemy in the preparation of engines of war, it is submitted that the arrest and confinement of Hardcastle were fully warranted and that his liberty as a British subject was not interfered with without cause or in breach of that good faith which should prevail between this Government and that of a neutral power. Is not his case indeed more truly represented when it is said that his acts in secretly making his way across our lines, without any passport whatever, in defiance of the authority of the United States, and in subsequently giving important aid and comfort to the rebellion, after having enjoyed the protection of our laws during a residence of more than seven years, were such as to oblige our Government, if not to imprison him as an enemy, at least to confine his person till the most satisfactory guarantees were tendered as to his strict neutrality in the future? It can be held in nowise a violation of the flag of truce, which had procured safe conduct behind the rebel lines, that he was received from it subject to the regulations of military police which had been adopted in our armies. May he not himself rather be deemed to have abused the privilege of the flag, in availing himself of the opportunity which it afforded him of reaching our lines, when, if his character and antecedents had been known, he would assuredly not have been received under it at all?

From the reports submitted in relation to the shooting of Hardcastle, the circumstances of his death are found to be these: The prison in which he was confined fronted directly upon a main street of Washington, and was thus so situated that communication between prisoners and persons outside could have been readily indulged in, if no precautions had been taken to prevent it. That the parties in confinement should be debarred, not only from such communications, but from the view of persons passing on the street, would appear to be most desirable in a city like Washington, situated near the enemy's lines, constantly menaced by his forces and frequented by parties in secret sympathy with the rebellion or engaged in enterprises prohibited by the laws of war. Such parties would naturally seek to communicate if possible with their friends in confinement for the purpose of advising with or assisting them or in procuring their escape. It appears that, to facilitate such intercourse, the bars of the windows have in several cases been cut through, and it was to prevent this communication as effectually as possible that screens were erected outside the windows, rising to a height of four feet above the sills and projecting about eighteen inches beyond them toward the street. The prisoners were forbidden to look or extend their bodies over and outside these screens, and the guards on duty at the prisons were instructed to warn prisoners making

their appearance above the screens to withdraw at once, and if they persisted in disregarding this warning, to fire upon them.

On the 25th of May, Hardcastle and a prisoner named Pleasanton were both standing inside the screen (and therefore outside the wall of the prison), and were leaning over the top in full view of the street. Their appearance in this position being in direct contravention of the rules and discipline of the prison, and calculated to excite disorder on the street, they were repeatedly and in civil language admonished by the sentry, Chapman, to withdraw. Instead of so doing, they remained and commenced to argue with the sentry as to their rights. At this juncture Mr. Wood, the superintendent, passed by, and at once called the attention of the prisoners to the impropriety of their behavior, and urged their complying with the directions of the sentry, who, as he explained to them, had no discretion but to execute the orders which had been given him by his officer. Mr. Wood added that, were he in the sentry's place, he should (under the circumstances of the persistent refusal to retire on the part of the prisoners) enforce his commands by firing upon them. It is further shown that about this time the "officer of the keys," attached to the prison, went to the door of the room in which Hardcastle and Pleasanton were confined and admonished them of the danger to which they were subjecting themselves by their conduct. The prisoners notwithstanding these repeated warnings refused or neglected to retire within the screen, whereupon the sentry discharged his piece and Hardcastle was mortally wounded, so that he died in a few minutes. It would appear, though it is not certainly established, that the sentry in firing aimed his piece at Pleasanton. The latter is alleged to have used insulting language toward the sentry, and to have been particularly demonstrative in his disregard of the directions of the latter. It further appears that prior to the occurrence of May 25, Hardcastle had repeatedly disobeyed the orders both of Mr. Wood and his subordinates by conduct similar to that which has been described, and by communicating from above the screen with persons outside, and moreover, that ever since the commencement of his imprisonment he had been in the habit of disregarding the rules prescribed for the government of the prison. It is represented in fact by Mr. Wood, that Hardcastle had, in conjunction with one James, become so regardless of discipline as to render it necessary to place them both in close confinement. It was not until James had been sent to Richmond for exchange that Hardcastle was removed to the room which he occupied at the time of his death.

Under all the facts as they appear in evidence, it is submitted that the life of Hardcastle cannot justly be held to have fallen a sacrifice to a "rough and unmerciful system of prison discipline," but rather to have been forfeited by the persistent neglect to observe a necessary and salutary rule established in the prison (with his full knowledge), and after repeated warnings of the probable and legitimate consequences of his behavior in this regard. And it is conceived therefore that neither the sentry, who in firing obeyed the orders of his officer, nor the inferior officer who imparted these orders, nor the superior who issued them in the first instance, can be deemed responsible in any way for Hardcastle's death. Nor is it necessary to excuse the rule in question on the ground of the unsuitableness or the overcrowded state of the prison. Such rule or a similar one would have been found necessary in any military prison similarly situated. It is represented that these screens allowed ample light and ventilation for the rooms, so that there could have been nothing to complain of in their erection, except

on the part of prisoners who were thus more effectually prevented from holding communication with friends outside or from gratifying their curiosity by observing what occurred beyond their prison walls. In fine, the belief is confidently entertained, that when the facts above set forth, resulting from a recent and thorough investigation of the affair, are brought to the knowledge of Her Majesty's Government, the prisoner Hardcastle will be viewed as the victim of such casualty as may at any time be apprehended by one who has placed himself in the wrong.

For the purposes of this inquiry, it is not deemed at all important to determine whether the shot was in fact aimed at Pleasanton or Hardcastle, since the latter at the moment of firing had incurred precisely the same guilt as the former, and by placing himself defiantly in the position which he occupied must be regarded as having wantonly thrown his life away.

Respectfully submitted.

J. HOLT,
Judge-Advocate-General.

WASHINGTON, *October 22, 1863.*

Brigadier-General MEREDITH:

Colonel Hoffman mailed yesterday a letter to you containing very just and deserved censure upon the conduct of Mr. Ould. I approved of his remarks entirely, but I do not wish you to break with Mr. Ould without direct sanction from the Secretary of War.

E. A. HITCHCOCK,
Major-General of Volunteers.

WASHINGTON, *October 22, 1863.*

Brig. Gen. S. A. MEREDITH:

You can see Mr. Ould according to appointment, but avoid controversy as much as possible.

E. A. HITCHCOCK,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 22, 1863.

Brig. Gen. J. H. MARTINDALE,
Military Governor, Washington, D. C.:

GENERAL: I have the honor to request that you will direct that D. T. Chandler, a political prisoner at the Old Capitol Prison, be released on parole for thirty days with a view of his visiting Richmond, there to effect the release and exchange for himself of Andrew Johnson, the nephew of Governor Johnson, of Tennessee, now a prisoner in that city. If Colonel Chandler fails to effect the exchange and delivery at City Point of Mr. Johnson, then he will return to this city and surrender himself to the provost-marshal at the expiration of thirty days. Please notify him that in case of his accomplishing the object of his parole, Mrs. Chandler will be permitted to join him at City Point, and she will be permitted to take a nurse with her that far. Any pecuniary arrangement which he may wish to make previous to his departure

must be made by correspondence with his friends. Parole for this purpose cannot be granted to him.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS WHITE RIVER DISTRICT,
Jacksonport, Ark., October 22, 1863.

Maj. Gen. S. A. HURLBUT:

SIR: Reliable information has reached me that the following Confederate soldiers have been taken prisoners and are now confined in filthy dungeons in Memphis, Tenn.: Lieut. R. B. Barton, Privates J. A. Hill, Jack Zands, and George Riley and D. W. Barton, of Captain McGehee's company, Colonel Dobbins' regiment; also Privates E. D. Lewis and William Young, of Captain Barton's company, same regiment.

A letter from one of these men confined with the others asserts that they are treated as "cut-throats and robbers" and not as prisoners of war.

I assure you that all of these men are regular soldiers in Confederate service, and their companies were, at the time of their capture, and are now, acting under orders of proper Confederate officers, and they are therefore entitled to the treatment of prisoners of war.

I hope this note will be answered with the assurance that these prisoners will hereafter receive the humane treatment to which prisoners of war are entitled.

Should I be disappointed in this reasonable expectation I will reluctantly adopt such a course as will insure the humane treatment of men and officers under my command when they are captured.

Your obedient servant,

D. McRAE,

Brig. Gen., Comdg. Confederate Forces Northeast Arkansas.

[OCTOBER 22, 1863.—For General Orders, No. 14, headquarters Norfolk and Portsmouth, directing the execution, on October 23, 1863, of David M. Wright, and for Foster to Halleck (October 23), reporting his execution, see Series I, Vol. XXIX, Part II, p. 370.]

HEADQUARTERS FORREST'S CAVALRY,
Dalton, Ga., October 22, 1863.

Brig. Gen. JOHN H. WINDER:

GENERAL: Yours of September 15, inclosing copy of Colonel Streight's letter dated July 4 last, together with copy of yours of July 6, in relation to the articles of capitulation, and $850, is received.

It was agreed that private property would be protected and that the side-arms of the officers (so far as I was concerned) would also until their arrival at Richmond. Colonel Streight is correct in his statement in regard to the money in his possession.

My quartermaster purchased the horses of the surgeons and paid for them in Confederate money, and at the time that I made the exchange

with Colonel Streight was of the impression that the money was the property of the surgeons. I exchanged about $800 with Colonel Streight, giving him U. S. greenback notes, mostly in $1 and $2 bills.

Colonel Streight's command had done but little damage to property, having destroyed only one furnace and one stable. Many of the residences by the roadside had been pillaged before I began to press them, when they began to cast aside such articles as they had taken. There was quite a number of negroes with the command when I first overtook Streight. Most of them escaped and returned to their masters. I found none of the negroes in arms. Indeed, very few (not exceeding fifteen) were with Colonel Streight's command at the time of the surrender.

Your letter would have been answered, but owing [to] my absence did not receive it until last evening.

Yours, most respectfully,

N. B. FORREST,
Brigadier-General.

WAR DEPARTMENT, *Washington, October 23, 1863.*

Governor DAVID TOD, *Columbus, Ohio:*

The revenue steamer Michigan has been sent to Johnson's Island to aid in guarding the prisoners there.

P. H. WATSON,
Assistant Secretary of War.

WASHINGTON, D. C., *October 23, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I respectfully request that the Commissary-General of Prisoners may be authorized to give notice to the prisoners of war at their several places of confinement, through their proper commandants, that no further discharges will for the present be made, but that those who do not desire to be sent South for exchange may make application to their commandants, who will be required to forward to the commanding general from time to time the names of the applicants enrolled, setting opposite the name of each his rank, where and when taken prisoner, with such remarks (in a column for the purpose) as the commandant from personal examination may deem important to a proper judgment in the case.

Cases of an extraordinary character, or where the claims for discharge may be so considered, might be presented separately.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissary-General of Prisoners.

[Indorsement.]

WAR DEPARTMENT, *October 23, 1863.*

Respectfully referred to Colonel Hoffman for his information and guidance. Please return.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

RICHMOND, *October 23, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In reply to your communications respecting Brig. Gen. Neal Dow, I state that he is in the Libby, held as a prisoner of war, and on the same footing as your other officers.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 23, 1863.

Brigadier-General MEREDITH, *Agent of Exchange:*

SIR: Capt. Frank Battle, Twentieth Regiment Tennessee Volunteers, C. S. Army, is now and has been for some time past in irons in Nashville. It is alleged that he is ironed in retaliation for similar treatment inflicted by the Confederate authorities upon Capt. Shad. Harris, Company D, Third East Tennessee Cavalry, who was captured on or about the 26th of December, 1862. I have seen a Special Order, No. 51, issued by Brig. Gen. R. S. Granger, dated August 3, 1863, in which it is directed that Captain Battle shall be so treated and held.

Capt. Shad. Harris before he joined the Federal Army was a Confederate soldier. He deserted and was subsequently captured in arms. For the crime of desertion he was tried before a court-martial, found guilty, and sentenced to death. Before conviction he was neither closely confined nor ironed. His father had access to him both before and after his trial. The President, in mercy, commuted the sentence to imprisonment. For that imprisonment your authorities have seen fit to put in irons and close confinement an officer captured in open warfare, and against whom no personal charges have been preferred. I am very sure this statement is in entire conformity with the facts. If so, you deny our authority to try and punish a deserter from our Army, even when the desertion is inflamed and made more heinous by direct support and succor to the enemy. I am strongly in hope that the mere statement of this case is sufficient to show the manifest wrong of the proceedings against Captain Battle. I will thank you to inform me if, upon the foregoing facts, your Government justifies its treatment of Captain Battle, and whether you intend by any form of retaliation upon our soldiers to contest our right to punish desertion from our service where the offending party has subsequently joined your Army and been captured by our forces?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., October 23, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I inclose to you herewith a letter from W. P. Wood, superintendent of the Old Capitol Prison, addressed to Maj. Gen. E. A. Hitchcock, to which I specially call your attention.*

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*See p. 348.

Will you release our citizens whom you hold confined in your prisons against whom there are no charges? There is no disposition on the part of the U. S. authorities to harass or annoy citizens. In all cases heretofore, so far as I know, whenever Southern citizens have been arrested, it has been for special reasons, marking the individuals as separated from the mass of a community. I know of no citizen of the South who is held by the U. S. authorities merely because he belongs to the South. If you know of any such, name them and they shall be sent home. Some time since the U. S. authorities arrested two citizens in Virginia for special cause. The Richmond authorities arrested two supposed Union men to answer for those mentioned above, without any charges against them. Why are not these men released? Within twenty-four hours after any given time the U. S. authorities can arrest double or treble the number of citizens of the South that you hold of citizens of the North; and though they have hitherto refrained from the arrest of citizens, as such, the detention of citizens in the Richmond prisons, or elsewhere in the South, as Union men, may necessitate a recourse to similar proceedings on the part of the authorities of the United States.

Should the infliction of such misery on the citizens of the South be inaugurated, on their own authorities will rest the onus.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 24, 1863.

Col. C. V. DE LAND,
Commanding Camp Douglas, Chicago, Ill.:

COLONEL: I have just received the report of Surg. A. M. Clark, a medical inspector of prisoners of war, to parts of which I must call your attention:

Police of camp very much neglected, except in barracks of Invalid Corps. Discipline in camp very bad; sinks badly constructed and in filthy condition; removal of offal not well attended to, no receptacles provided; no attention paid to cooking in prisoners' barracks by authorities; clothing in hospital for prisoners very deficient; hospital bedding is very deficient; police of prison hospital not as good as it should be; cooking arrangements not carefully inspected; discipline of hospital not good; all the prisoners' barracks are greatly in need of repairs. There is not a door and hardly a window among them. A large proportion of the bunks are so mutilated as to be useless. Much of the flooring and siding is removed and the open fireplaces are in a dilapidated condition. The roofs of all require repairs.

All these deficiencies must be remedied at once, and when it is attended with any expense it will be paid out of the prison fund. The cooking must hereafter be done in Farmer boilers, the forty-gallon size being the most convenient perhaps. These must be introduced at once and there must be no more cooking in open fireplaces nor in camp-kettles. Put the ovens in good repair and bake the bread for the command. Baking by contract must be discontinued. Erect a suitable laundry and provide a sufficient number of boilers. Surgeon Clark reports that you do not issue the clothing furnished by the quartermaster's department because it will facilitate escapes. Cut the skirts of the coats short and cut off the trimmings and most of the buttons, which will sufficiently distinguish them from Federal soldiers. Erect two additional hospital buildings, each 100 feet long, with five windows and a door on each

side and a door at each end, to be paid for out of the prison fund. The hospital affairs must be very badly managed if the hospital fund is not sufficient to purchase all the furniture of all kinds that is required for the hospital. You will require the surgeon in charge to make an immediate report of the average number of sick for the month of September, the amount of rations due the hospital, the amount drawn, the savings in rations and money, the articles purchased, and the fund remaining on hand. This report must be forwarded within five days after the receipt of this letter and a like report will be made at the end of this month. At the end of this month you will report what has been done to carry out the instructions contained in this letter on the several points above mentioned, taking them in the order mentioned.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 24, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: Your several letters of the 17th, 18th, and 19th are received. If the smallpox should prevail to an extent to make it necessary you will extend the smallpox hospital as much as may be necessary to accommodate the patients and defray the cost from the prison fund. The pretended alarm of some of the prisoners is matter of little consequence. In my letter of the 19th instant I omitted to mention that Surgeon Clark reported your grave-yard much neglected, without fence, and the graves too shallow. Let it be corrected at once. Put up a suitable fence and have the graves dug sufficiently deep. The value of Medical Inspector Humphreys' opinion is shown by his recommending a guard of one regiment, that is, two men to every five prisoners. The risk and the hardships of troops in the field are much greater than is experienced by your command, but to remove any possible chance of an uprising on the part of the prisoners, I have advised that the Michigan be sent to the bay if she can lie there as conveniently as at Erie.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

VICKSBURG, *October 24, 1863.*

Maj. Gen. J. B. MCPHERSON, *Commanding at Vicksburg:*

GENERAL: My object in visiting this place under flag of truce is to effect an arrangement with you for the exchange of any officers who have been or may [be] captured by your command, giving officer for officer of equal rank. This proposition is made in consequence of there being some difficulty existing between the Federal and Confederate Governments in regard to a general exchange of prisoners of war, the place of exchange to be at or near Big Black River or such other point as may be agreed upon. My headquarters at present are at Mobile, Ala., and any communication sent me through the Confederate pickets beyond Big Black River will reach me promptly.

I am, general, very respectfully, your obedient servant,

N. G. WATTS,

Lieutenant-Colonel and Agent for Exchange of Prisoners.

[First indorsement.]

HEADQUARTERS, *Vicksburg, October 24, 1863.*

Respectfully forwarded to Major-General Grant for his action in the matter.

J. B. McPHERSON,
Major-General.

[Second indorsement.]

HDQRS. MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, Chattanooga, November 2, 1863.

Respectfully returned.

In the exchange of prisoners of war you will be governed only by such regulations as are authorized from Washington.

By order of Major-General Grant:

ELY S. PARKER,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, October 26, 1863.

Major-General BANKS, *New Orleans:*

GENERAL: Your dispatches of October 16 and 17 are received.

In regard to our prisoners of war held by the enemy, I submit the following brief explanation of the difficulties in effecting any exchanges on account of the utter disregard of the cartel by the rebel authorities.

The enemy commenced the violation of this solemn agreement by refusing to deliver and exchange certain classes of officers and men, and as soon as they had in their possession a large number of their own, paroled by General Grant at Vicksburg and yourself at Port Hudson, they entirely ceased delivering ours as required by the cartel, but placed them in close confinement. They then proceeded to declare all of their own paroled prisoners "duly exchanged" without any equivalents delivered to us. In this way they have been able to return to duty in the field a much larger number of men than if they had made regular exchanges. This was a most shameless violation of the cartel and the general laws of war.

To now exchange the rebel prisoners in our hands for ours in the possession of the rebels would be to admit the legal exchange of the rebel prisoners already returned to duty.

Generals Hitchcock and Meredith have been doing their best to arrange this difficulty and to renew the system of exchanges established by the cartel, but it is almost useless to expect any justice or honesty from a rebel, who is described by Shakespeare "upon whom do swarm the multiplying villainies of nature."

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, October 26, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: In reply to your letter of the 21st instant, requesting information as to the treatment of General Morgan and his officers on their arrival at Columbus, I have the honor to inform you that the first, consisting of General Morgan and party, arrived from Cincinnati on the

afternoon of July 30. The train was stopped within a few yards of the prison, and the prisoners were marched under guard to the parlor of the prison. Each officer's name was called in turn and he was formally turned over to Mr. N. Merion, the warden of the penitentiary, when he was searched, and everything valuable taken from him. The money, &c., was placed in a package labeled with the owner's name; a list of all articles registered. The package was then placed in the prison safe. This search was made in the presence of myself and staff, and also two of the directors of the penitentiary, and was done as delicately as possible. In most instances the officers delivered everything themselves. They were then conducted into the prison proper, where each one was required to bathe and have his hair cut and whiskers shaved. I did not go into the prison until after I had turned over the last prisoner, and was not aware that they were going to cut their hair and whiskers. Upon going into the prison I found that about two-thirds had gone through the process. I at once spoke to the directors on the subject. They replied that they could receive prisoners on no other conditions. That their cells were new, clean, and sweet; that most of the prisoners were filthy and covered with vermin, and that it was a mere sanitary measure and not a degradation. They were undoubtedly covered with vermin, and as most of them had undergone the treatment it was decided to treat them all alike. Their hair was not cropped, but was cut in the style usually worn by gentlemen in this city, and was not more closely cut than my own. Their beards were cut close. No indignity was offered them. Many of them thought it a benefit, and quite a number requested afterward to renew the bath. Their money and valuables are now in the hands of the warden, just as they were received, except that small sums of money have been expended for them from time to time on their written orders. The prisoners are confined in a portion of the prison separated from the convicts, have their meals by themselves, and are allowed to be together during the day. At night they are locked in their cells.

No order was given by any military authority for the course of treatment on their first arrival, but the directors of the prison required the warden to enforce the usual sanitary regulations of the prison in their case. Subsequently, General Burnside directed that in future shaving, &c., be omitted. This was communicated at once to the prison authorities. I inclose a copy of Governor Tod's instructions to the warden, and also extracts from letters from two of the prisoners now confined, which will tend to show that they have no cause for complaint of their treatment. They are not treated as convicts, but as nearly like prisoners of war as the circumstances of the case will admit. They are allowed as near the army rations as the facilities for cooking will admit, and are in every particular better cared for than any of our prisoners can be at Camp Chase.

Very respectfully, your obedient servant,

JNO. S. MASON,
Brigadier-General of Volunteers.

[Inclosure No. 1.]

EXECUTIVE DEPARTMENT, *Columbus, July 30, 1863.*

NATHANIEL MERION, Esq., *Warden of Ohio Penitentiary:*

You have been advised of a formidable and destructive raid through our State of a band of desperate men under the lead of the notorious John H. Morgan, also of their capture by the military forces of the Federal Government, aided, however, materially by the militia forces

of our State. Upon consultation with Maj. Gen. A. E. Burnside, commander-in-chief of this military department, I learn from him that he has not, subject to his command, a secure place in which to keep the principal officers of said band. I have therefore tendered to the Federal Government the use of our penitentiary as a place of safe-keeping for them until other provision can be made.

You will therefore please receive from the officers of the United States Government the said John H. Morgan and thirty others, Confederate officers captured with him (a list of whose names is herewith handed you), and safely and securely keep them within the walls of the penitentiary until other provision shall be made for them. You will carefully search each prisoner as he may be handed over to you and take from him all arms and articles of value (money included) and carefully preserve the same until you may receive further directions touching the disposition thereof. You will keep said prisoners, so far as may be possible, separate and apart from the convicts.

You will furnish them with everything necessary in the way of food and clothing for their comfort, and impose only such restrictions upon them as may be necessary for their safe-keeping. You will permit no one to hold interviews or communications by writing or otherwise with them except by written or telegraphic order from General Burnside. You will employ such additional force for guard or other duty as you may deem necessary. Should clothing be required for the prisoners you will make requisition upon me for the same. You will keep an accurate account of all increased cost to the institution consequent upon a compliance with this request and report the same to me from time to time as you may require funds to meet the expenditure.

Respectfully, yours,

DAVID TOD,
Governor and Commander-in-Chief.

[Inclosure No. 2.]

Extract from a letter from Lieut. L. D. Holloway, prisoner of war confined in the Ohio penitentiary, to his mother.

OHIO PENITENTIARY, CELL No. 27,
Columbus, October 22, 1863.

DEAR MOTHER: * * * Your letter finds me in good health. I have a good appetite and have never been sick a moment since I have been here and trust in God that my good health may continue. I am becoming quite fond of my cell, and in fact, this thing of being a prisoner is not half as bad as you might imagine. Here I can write home and receive letters from you all, which I could not do if I was not a prisoner. I can eat as much as I want and no limit to sleeping. Can keep warm, dry, and clean, read my Bible, sing in a whisper and pray for myself, my family, friends, and enemies, and all these things should make one who has been exposed to cold and rain, and often hungry and worn out for sleep, with other cares and duties crowding on him, quite pleasant for a time. * * *

L. D. HOLLOWAY.

[Inclosure No. 3.]

Extract from a letter from G. M. Coleman, a prisoner of war confined in the Ohio penitentiary, to his brother.

OHIO PENITENTIARY, *Columbus, Ohio, October 22, 1863.*

DEAR BROTHER: * * * You hoped that we were kindly treated. I don't think we have any just cause of complaint. Our confinement

is strong and close; otherwise we are treated as well as prisoners generally are. We are fed plentifully on army rations or its equivalent and are allowed to purchase good warm citizens' clothes. Our quarters are kept clean and nice. Our means of exercise are rather limited, but notwithstanding that we are in the enjoyment of robust health. There are seventy officers, including General Morgan, confined in this institution. We have been here eighty-odd days and no death occurred amongst us, nor but two cases of serious illness. Those two recovered some time since. * * *

G. M. COLEMAN.

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., October 26, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Among every lot of prisoners sent from Fort Delaware to this point there have been cases of smallpox. There were twenty-six in the last lot. So many cases create alarm here among the troops and the citizen employés of the Government. I trust no more will be sent here.

I am, very respectfully, your obedient servant,

GILMAN MARSTON,
Brigadier-General, Commanding.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
October 27, 1863.

Respectfully referred to the Surgeon-General with the request that he will suggest what measures should be taken to provide for smallpox patients and to prevent the spread of the disease.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

SURGEON-GENERAL'S OFFICE, *October 27, 1863.*

Respectfully returned to Col. W. Hoffman, Commissary-General of Prisoners, with the recommendation that no more prisoners of war be transferred from Fort Delaware until the disease has abated. No report has been received at this office of the existence of smallpox at that station. If it should become prevalent, it would become necessary to separate and isolate the prisoners as much as possible.

By order of the Acting Surgeon-General:

C. H. CRANE,
Surgeon, U. S. Army.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 26, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your letter of the 19th containing extracts from the report of Surgeon Clark. I will notice some of them.

With regard to the complaint that but part of the wards were in use, you will remember that the hospital was never ceiled or plastered. Last season, there being but comparatively few prisoners, one of the other buildings was used during the cold season. A part of the rooms were evacuated in order to plaster them, it having been decided to be necessary by Colonel Humphreys, the medical inspector, who has been accustomed to visit this post, and Doctor Woodbridge. They have thought it would not be necessary to plaster more, but I think it probably will be when these are finished. At any rate, that is the reason they were vacant. Doctor Woodbridge has complained of late, since the increase of prisoners, of a want of sheets. Says he has made requisition for them. I have taken the responsibility of saying to him if he does not get them to purchase some in the city and they should be paid for by the quartermaster or from prison fund. Would you direct that every man in the hospital should have sheets, or leave it to the surgeon's discretion, as I have done? If all have them it will increase the number much and the washing also. As to washing, I have lately allowed a small building to be put on Johnson's Island, where some laundresses will live. We have had trouble about getting our washing done, but this is the first complaint to me about the hospital washing being neglected. The only receptacles for garbage there can be are boxes and barrels until carried off, which is done daily. Holes in the ground, as Surgeon Clark suggested, would come immediately to the rock and be utterly impracticable. I have always told the doctor to use too much instead of too little lime and other disinfecting agents. He has certainly used a great amount. The prisoners' barracks are policed every day. Sometimes on stormy days like that when Surgeon Clark was here very little can be done in the way of policing. This earth is very sticky in wet weather and will track anywhere with a crowd. Doctor Woodbridge says there are many prisoners who have such urinary diseases that a chamber is necessary in the barracks. There are men of all ages and conditions among prisoners. When informed that not less than thirty new sinks have been dug from time to time you will perceive I have not waited for orders from medical officers. The rock in many places is but a few feet from the surface and is very difficult to blast. New sinks are dug, but old ones are readily filled up, it is true, before new ones are supplied.

If large numbers of prisoners are here after next spring I should recommend the fence on the woods side be moved back some four rods. On the subject of ventilation, Doctors Humphreys and Woodbridge had agreed on some plan when plastering, which the doctor says is being carried out. As to the fault of the prisoners themselves in not policing, it is my experience that prisoners (officers) will as a general thing do no more than they are compelled to do. I have only further to remark that I have no knowledge whatever of the reports of Colonel Humphreys who has been here so often and spent whole days in the examination of the camp inside and out. He never said a word of what he had reported except what I wrote you about the increase of force. Indeed, he is a stranger to me. He has, however, complimented the condition of the camp on every occasion he has been here in high terms. I have been over your letter with the doctor and given directions on each point. There are two pumps. They will soon freeze up and the prisoners will have to bring water from the bay. Do you consider it a direction that I should put in another this winter? I have had wells dug, but without good prospect of success, but it is a very dry time

now. I expect it will be a great duty to guard prisoners for water this winter.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

P. S.—Perhaps I ought to add that with all the disposition of prisoners to complain there has never been the first complaint from a sick person or their friends or any Confederate surgeon of want of supplies or care.

CINCINNATI, OHIO, *October 26, 1863.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

SIR: I have the honor to transmit herewith my report of inspection of Camp Morton, near Indianapolis, Ind., October 22, 1863. The reason for my delay in forwarding the above report, as well as those for Louisville, Ky., is that I have contracted a severe cold, which for several days has rendered writing almost an impossibility.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of camp and field hospital, Indianapolis, Ind., October 22, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—Camp Morton. Commander of camp—Captain Guthridge, Forty-eighth Indiana Volunteers, this day relieved by Colonel Stevens, Invalid Corps. Command and strength—prisoners, rebel officers, 7; rebel soldiers, 2,325; civilians, 30; total, 2,362. Location of camp—one mile and a half north of Indianapolis, Ind. Time occupied—about eighteen months. Water, source and supply—by pumps from wells, five in number; supply, sufficient. Water, quality and effects—good, slightly alkaline. Fuel—wood and coal. Soil—clay and sand, muddy. Drainage—bad from want of attention; ditches and drains choked with rubbish. Topography—ground level, some trees, deep ditch, formerly bed of a creek running through middle of camp. Police of camp—very bad. Discipline in camp—lax. Tents or huts, position—barracks on north and west sides of square. Tents or huts, pattern and quality—one story and in dilapidated condition. Tents or huts, ventilation—only ventilated from dilapidation. Tents or huts, sufficiency—the barracks at present used for prison purposes are sufficient for 2,000 to 2,200 prisoners. Tents or huts, heating—stoves in a few of the barracks. Sinks, construction—exceedingly faulty, two excavations about twenty feet long, five feet wide, two feet deep, entirely open. Sinks, condition and position—very foul, one on north side about 25 feet in rear of barracks; on west side about 100 feet in rear. Sinks, management—no management at all. Removal of offal, &c.—unattended to; the central ditch is a general receptacle for refuse of all kinds. Previous use of camp—State fair-ground. Rations—abundant and of good quality. Cooking in camp—by prisoners over camp-fires. Inspection of food—said to be inspected by commanding officer. Portable ovens—none, bread furnished by commissary. Vegetables—potatoes only.

Cleanliness of men and clothing—foul; bathing and laundry facilities entirely insufficient. Quality and quantity of clothing obtained from quartermaster's department—sufficient. Blankets and bedding—insufficient both in hospital and camp; no satisfactory reason given therefor. Condition of men—in barracks, exceedingly foul; in hospital, miserable. Hospital buildings—two, one dilapidated and utterly unfit for use; the other (former guard-house) in good condition, but much overcrowded. Hospital tents—six, destitute of stoves or other means of heating. Hospital police—very much neglected, especially in cook-house, which is in filthy condition. Hospital discipline—none to speak of. Hospital diet and cooking—very little if any attention paid by officers. Hospital heat and ventilation—heated sufficiently by stoves except in tents; the guard-house ward is properly ventilated, the other only by dilapidation. Hospital capacity—36 in tents, 12 in guard-house ward; total, 48. Number sick—216; of these 125 are in barracks who should be in hospital and well taken care of. State of medical supplies—sufficient, but very disorderly kept. State of surgical instruments—none in hospital. State of hospital records—carelessly kept. State of hospital fund—$368, September 30, 1863. Reports—carelessly made. Medical attendance—virtually none. Nursing—by prisoners. Interments—by contract. Diseases, local—pulmonic, diarrhea, several cases of scurvy. Diseases, prevention of—no care taken. Recoveries from diseases—slow and uncertain. Mortality from diseases—during the month of September 23 out of 183 patients died, being over 12.45 per cent. Medical officer—Acting Assistant Surgeon Funkhauser. This officer is utterly unfit for the post he holds. I am informed that his contract is for $100 per month. This requires him to devote his whole time to his hospital and camp duties to the exclusion of all outside business. I am also informed that he has a large outside practice, and that he usually (and sometimes omitting even this) visits the camp not to exceed half an hour daily, leaving the almost entire charge of the sick and everything pertaining to the sanitary management of the camp to an enlisted man, who, though he has paid some attention to the study of medicine, and endeavors to do his best, is entirely unequal to the proper discharge of these duties. As a consequence of this the sick are neglected or improperly treated; the ratio of mortality is unwarrantably large, the hospital is in a most lamentable condition, and the general sanitary management of the camp is utterly neglected. I would respectfully suggest that this officer be at once removed and a competent man assigned in his stead.

As the foregoing report will show, this camp is a disgrace to the name of military prison. It is filthy in every respect. The vicinity of the sinks is obvious for many yards around, they being perfectly open; no attempt made to disinfect them. They are, moreover, insufficient in number. The seven rebel officers confined here are crowded into a small room about ten by twelve and eight feet high. In this they sleep, live, and cook. There are good natural facilities for drainage, but the drains are choked with rubbish, and the large central ditch is a grand receptacle for the refuse of the whole camp. The main hospital ward is in so dilapidated a condition that the patients are obliged to fasten their blankets along the wall for partial protection from wind and weather, and are thus deprived of the necessary covering. In fact, every patient whom I examined had more or less of pulmonary trouble accompanying his disease, whatever it might be. The hospital cook-house was in filthy condition, and the food which had just been prepared for dinner at the time of my visit was most miserably cooked.

I found the bath and wash house used for storing straw for bedding. The hospital fund is not expended with sufficient freedom in procuring comforts for the sick, nor could I ascertain that any account of the less perishable articles, as table furniture, &c., purchased from the fund is kept. The commanding officer states that he has been directed to erect two additional hospital barracks, but they are not as yet commenced. The prison fund on hand September 30, 1863, was $959.68. This fund is drawn on for repairs, cooking, police, utensils, &c., of which an account is kept.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

RICHMOND, *October 26, 1863.*

President DAVIS, *Montgomery, Ala.:*

Mr. Ould reports no balance of Federal prisoners remaining on which he can declare exchange unless those in actual custody here be delivered up, leaving our prisoners in the hands of the enemy. In making recent declarations of exchange he has exhausted very nearly all the paroles in his possession. Except as a measure of retaliation for unauthorized discharge by the enemy, the remaining Vicksburg captives cannot be discharged. No news of especial interest.

JAMES A. SEDDON,
Secretary of War.

WAR DEPARTMENT, *Washington, D. C., October 27, 1863.*

Major-General FOSTER, *Fort Monroe, Va.:*

It would be useless for Mrs. Doctor Wright to come here. The subject is a very painful one, but the case is settled.

A. LINCOLN.

OFFICE JUDGE-ADVOCATE-GENERAL,
Washington, October 27, 1863.

Case of Robert W. Baylor, of Twelfth Virginia Cavalry, in the service of the so-called Confederate States.

Captain Baylor was arraigned before a general court-martial, convened at Harper's Ferry, W. Va., on the 4th of June, 1862, for his trial on the following charges:

CHARGE 1: Violating a flag of truce.
CHARGE 2: Murder.

The specifications of these charges set forth that on the 7th day of February, 1862, the prisoner exhibited or caused to be exhibited on the south side of the Potomac River, at Harper's Ferry, a flag of truce and thereby induced one George Rohr, a loyal citizen of the United States, in the military service thereof and in charge of a flag-of-truce boat, to proceed across the river toward such flag, and that when said boat had arrived at or near to the place at which said flag or signal was exhibited it was fired into by the said Baylor or by his command, and the said Rohr was fired at and wounds inflicted on him of which he died on said 7th of February, 1862.

The court continued its proceedings in the trial from day to day until June 12, 1862, when all the testimony in support of the charge had been submitted and several witnesses had been heard for the defense, when the court adjourned to meet on the next day, June 13, 1862, but in consequence of the advance of the rebel army never reassembled to conclude the trial of this case. It is recommended that Brig. Gen. B. F. Kelley, by whose order this court was appointed, be directed to reconvene it for the purpose of concluding its proceedings in this case.

J. HOLT,
Judge-Advocate-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 27, 1863.

Capt. S. E. JONES,
Provost-Marshal District of Kentucky, Louisville, Ky.:

CAPTAIN: You will please inform all prisoners of war under your charge that for the present no more discharges will be granted, but those who do not wish to be sent South for exchange may make application to you to this effect and you will please forward to this office semi-monthly or oftener rolls of all such applicants, giving the rank, regiment, and company, when and where captured, and in the column of remarks such other particulars as on examination you may think necessary to a proper understanding of the case. Cases which you may deem of an extraordinary character may be presented separately.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Brig. Gen. John S. Mason, commanding, Columbus, Ohio; Col. P. A. Porter, commanding Fort McHenry, Baltimore, Md.; Lieut. Col. W. S. Pierson, commanding depot prisoners of war, Sandusky City, Ohio; Brig. Gen. G. Marston, commanding depot prisoners of war, Point Lookout, Md; Lieut. Col. C. B. Baldwin, commanding Davids Island, New York Harbor, N. Y.; Col. J. Dimick, commanding Fort Warren, Boston Harbor, Mass.; Col. G. W. Kincaid, commanding Alton military prison, Alton, Ill.; Lieut. Col. James O. Broadhead, provost-marshal-general, Saint Louis, Mo.; Brig. Gen. A. Schoepf, commanding Fort Delaware, Del.; Col. J. S. Simonson, commanding District of Indiana and Michigan, Indianapolis, Ind.; Col. Charles V. De Land, commanding Camp Douglas, Chicago, Ill.)

HEADQUARTERS MILITARY PRISON,
Camp Chase, Ohio, October 27, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to submit the accompanying estimate* of clothing for rebel prisoners at this post. There are some 2,100 now confined here and many of them are very ragged and are beginning to suffer from cold. Estimate is not made for coats, as there are still some 300 on deposit here, left from last purchase. These, however, are of army pattern, though of black color. Shall they be issued to the prisoners? Would respectfully ask if under your instructions of March 20,

* Omitted.

1863, the present estimate for clothing shall be paid from the prison savings fund? Amount of fund for September, $4,046.60.

Very respectfully, your obedient servant,

A. H. POTEN,

Lieut. Col., Invalid Corps, and Assistant Commandant of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 27, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In reply to your communication of the 17th instant I state that General Orders, Nos. 49 and 100, were not sent to me at the same time. I received General Orders, No. 49, long before No. 100 was delivered to me. Their respective dates will show that to be the fact.

My own personal recollection is that General Orders, No. 100, was never communicated in a letter. It is my habit faithfully to keep all letters written by the Federal agent of exchange.

A careful search of the records of my office does not disclose any letter from Lieutenant-Colonel Ludlow, communicating General Orders, No. 100. Lieutenant-Colonel Ludlow met me at City Point on the 23d of May, 1863, and he then and there delivered to me General Orders, No. 100, stating that the principles therein announced would in the future control the operations of the forces of the United States.

No written communication accompanied it. If any one was ever written to accompany it I never received it. You are in error, therefore, when you say that Lieutenant-Colonel Ludlow on the 22d of May, 1863, inclosed copies of General Orders, No. 49 and No. 100, announcing regulations and instructions for the government of the U. S. forces in the field in the matter of paroles; stating that these orders and the cartel were to govern your forces, and that when the cartel conflicted with the orders they were to be set aside. Independent of the facts of the case I am justified in saying that any such communication would have been very extraordinary. It would not only have admitted that the general orders were in violation of the cartel, but would have declared that the later general order, which on its face was announced to be the controlling law, should be set aside by the provisions contained in an earlier paper.

I again assert that the only notification I ever received as to your successive changes of purpose in the matter of paroles was from your own general orders, according to their respective dates, delivered to me without any further comment than I have already communicated to you.

You further say my "reference to the acts of Lieutenant-Colonel Ludlow" does not sustain me. You further say—

The troops thus declared exchanged by Lieutenant-Colonel Ludlow are as follows:

Fifty-first Regiment Indiana Volunteers	371
Seventy-fifth Regiment Indiana Volunteers	268
Third Regiment Ohio Volunteers	311
Tennessee cavalry	58
	1,008
Paroled at Mount Sterling	463
	1,471

Permit me to say that I read this paragraph of your letter with very great surprise.

in my letter of the 2d instant, which you were contesting, I gave at length the communication of Lieutenant-Colonel Ludlow, and by reference to it you will find that not only are the regiments which you have named therein mentioned, but also the Holly Springs capture, numbering 1,383 privates; the Ninety-first Illinois Regiment, numbering 649 privates; the officers and men of the Indianola, numbering 69 privates, and the Eightieth Regiment Illinois Volunteers, numbering 400 privates. Not only is that the case, but your enumeration of 1,471 privates in the specified regiments is incorrect. The true aggregate is 1,676 privates.

You misname one of the regiments also. The regiment declared exchanged was not the Seventy-fifth Indiana, but the Seventy-third.

In an interview with me at City Point, in the presence of Major Mulford, you admitted that all Confederate officers and soldiers delivered at City Point before the 23d of May, 1863, were declared exchanged, while the Federal soldiers were only declared exchanged up to May 6, 1863. Yet in your letter, written subsequent to this admission, you say you have nothing to show that exchanges on both sides were not alike. Since your letter of the 17th, on our last interview, you made the same admission.

If the fact is denied at any time, I stand prepared to prove it. As to your computation, based upon my declarations of exchange, I refer you to my letter of the 2d of October, 1863. Every statement therein contained is strictly and accurately correct. I again assert, what I am ready to prove, that I have in my possession more valid paroles of your officers and men than would be an equivalent for the exchanges I have declared up to this date.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 27, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 25th of September, 1863, A. W. McDonald gave his parole to A. I. Boreman to procure the release of Dr. W. P. Rucker or Morgan Garrett, or return to Wheeling in sixty days.

I send to you Morgan Garrett this day. I cannot send Rucker, because he has fled. If he was in our custody, however, he would not have been sent.

The release of Garrett, of course, discharges McDonald. Garrett is released unconditionally.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 27, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In my Exchange Notice No. 7 I intended to declare exchanged the staff officers of Maj. Gen. John H. Forney, captured at Vicksburg July 4, 1863. I also declare exchanged Col. Edward Higgins, of the

artillery, and the Hudson Battery, captured at the same time and place. You will please add these to the list of officers and men declared exchanged.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *October 27, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I cannot agree that a prisoner in captivity shall be exchanged for one on parole, as you request in your letter of October 18, 1863. I am willing, however, to exchange Henry D. Barnett, Fifteenth Kentucky Cavalry, for either of the parties named in my communication of October 16, 1863.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 27, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: When I declared exchanged Colonel Dockery, I expected you to charge him against my paroles in my possession, whether of an officer or men. You cannot expect me to give a prisoner in captivity for him, as you well know such are not given in exchange for those who are on parole. I cannot err when I do not overdraw in the matter of paroles. I have refrained from overstepping that limit.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 27, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I inclose to you a memorandum of the paroles to which I have referred in several recent communications. Most of these paroles, you will observe, are antecedent to May 23, 1863. The reason why these paroles have not been heretofore discharged is that up to July, 1863, we had the advantage of prisoners and paroles. Not one of these paroles is covered by any declaration of exchange, except the one lately made by you. For no one of them have I received any equivalent. All of them since the date of your General Orders, No. 207, were given in pursuance of a distinct agreement between the commanders of two opposing armies. I have many other paroles in my possession, but I have only presented those which are within the terms of your general orders, according to their respective dates.

I understand there are other paroles coming within the same general orders, which were given by your officers and men on the other side of the Mississippi River. They as yet have not reached me. When they do, and when I show they are within the scope of your general orders, I will claim them; otherwise I will discard them.

I have also received other informal paroles, which I have sent back for correction. These were also within the provisions of your general orders. When they are returned I will claim them also.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure.]

Tabular statement of the number af valid Federal paroles.

Where captured.	By whom.	When.	No. of prisoners.
La Vergne, Tenn	General Wheeler	Dec. 11 and 31, 1862	128
Lexington, Tenn	General Forrest	Dec. 17, 1862	140
Benton Station, Tenn	do	Dec. 18 and 22, 1862	45
Near Spring Creek, Tenn	do	Dec. 19, 1862	110
Trenton, Tenn	do	Dec. 20, 1862	684
Near Rutherford Station, Tenn	do	Dec. 21, 1862	144
Union City	do	Dec. 23, 1862	86
Parker's Cross-Roads and Dresden.	do	Dec. 25, 1862, and Jan. 9, 1863	268
Kentucky and Tennessee	General Morgan	Dec. 7, 1862, and Jan. 27, 1863	190
Tennessee	General Wheeler	Dec. 30, 1862, and Jan. 5, 1863	381
Liberty, Tenn	General Morgan	Dec. 26, 1862, and Feb. 13, 1863	78
Kentucky and Tennessee	do	Dec. 20, 1862, and Jan. 10, 1863	2,025
Near Murfreesborough, Tenn	General Bragg	Dec. 31, 1862	559
Galveston and Houston, Tex	Receipted for at Baton Rouge	Jan. 1 and 22, 1863	359
Tennessee	General Wheeler	Jan. 10 and 14, 1863	318
Kentucky and Tennessee	Generals Wheeler and Morgan.	Jan. 10 and Feb. 14, 1863	111
Steam-ram Queen of the West	Receipted for at Baton Rouge	Feb. 14, 1863	21
Near Memphis, Tenn	Jackson's cavalry	do	10
West Liberty and McMinnville.	General Morgan	Feb. 14 and Mar. 7, 1863	51
Spring Hill, Tenn	Bragg's command	Mar. 7, 1863	103
Liberty, Tenn	do	do	134
Near Rappahannock, Va	Major Mosby	do	39
Bourbon County, Ky	General Marshall	Apr. 11, 1863	3
Western Virginia	General Jones	do	375
Chancellorsville, Va	General Lee	May 1 and 4, 1863	1,709
Western Virginia	General Imboden	May and June, 1863	18
Banks' Ford, Va	General Lee	May 4, 1863	128
Fredericksburg, Va	do	do	126
Vicksburg and vicinity	Pemberton's command	do	492
Near Monticello, Tenn	General Pegram	May 25, 1863	19
Hinds County, Miss	Captain Riley, Eighth Kentucky.	May 26 and June 6, 1863	742
Eastern Virginia	Major Mosby	June 11	16
Rome, Ga	Bragg's command	Apr. 30 and May 2, 1863	66
Mississippi	do	May 12 and 22, 1863	17
Kentucky and Tennessee	do	May 1 and 20, 1863	85
Holly Springs, Miss	General Van Dorn	Dec., 1862	1,694
Baton Rouge, La		Feb. 24, 1863	302
Paroled at Salisbury, N. C		May 24, 1863	1,394
Berryville, Va., and Gettysburg, Pa.	General Lee	July 2, 1863	2,689
Dover, Pa	General Stuart	do	229
Rockville, Md	do	do	157
Paroled at Williamsport, Md	do	July 13, 1863	75
Morris Island, S. C	General Beauregard	July, 1863	142
Near Chattanooga, Tenn	General Bragg	Sept., 1863	2,392
Miscellaneous paroles			33
Total			18,867

Brig. Gen. S. A. Meredith, U. S. agent of exchange, inclosing $500 Confederate money to be distributed among the most needy Federal prisoners at Castle Thunder, $200 of which was counterfeit.

[First indorsement.]

OCTOBER 27, 1863.

Brig. Gen. S. A. MEREDITH, *U. S. Agent of Exchange:*

Respectfully returned with forty counterfeit $5 notes. The remaining $300 is good money and will receive the direction you indicate.

RO. OULD,
Agent of Exchange.

[Second indorsement.]

Captain ALEXANDER, *Castle Thunder:*

This money is sent for the relief of the most needy Union prisoners at Castle Thunder. Please send me a receipt for $300, stating upon the face that the amount will be devoted to the use of such.

RO. OULD,
Agent of Exchange.

Brig. Gen. S. A. Meredith, U. S. agent of exchange, incloses $500 Confederate currency to be distributed among the most needy Federal prisoners. This money was from the hands of W. P. Wood, superintendent Old Capitol Prison, and the package was directed to Brig. Gen. Neal Dow.

[Indorsement.]

OCTOBER 27, 1863.

Respectfully returned to Brigadier-General Meredith.

Every note is counterfeit. They have been all so stamped and are returned. I have had the portions of the letter that did not relate to the money copied. That copy will be given to General Dow when the goods arrive.

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., October 27, 1863.

Major-General MAURY, *Mobile, Ala.:*

GENERAL: The Governor of the State of Alabama has submitted a letter from Col. Robert A. Smith to him to this Department, in which the following sentence occurs:

> The provost-marshal of this place does not hesitate to imprison civilians at will for supposed civil offenses; to refuse them counsel; to send them out of the State to prevent their obtaining a writ of habeas corpus.

This officer is under your control and subject to your orders. The Department is not aware of any constitution, law, order, or instruction that authorizes the exercise of any such authority by him, by yourself, or by this Department. This allegation of Colonel Smith is referred to you that a report may be made of all such cases and for such explanations as can be afforded. Colonel Smith should have notice, in order that he may designate the matters that are the subject of complaint.

The Hon. M. J. Saffold was appointed in February last to examine into the cases of prisoners held in Alabama and a portion of Georgia for the commission of offenses of a political character where the offenders did not belong to the Confederate Army. His commission has been continued, and the Department relies upon him to examine and to report upon such cases under his original letter of instructions. The Department has never had any disposition to allow the provost-marshal in Alabama any such power as has been exercised, according to the statement of Colonel Smith, nor is it supposed that such power has been exercised, if at all, with your concurrence or sanction.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS ARMY OF ARKANSAS,
Little Rock, Ark., October 28, 1863.

Brig. Gen. J. S. MARMADUKE, *Commanding Cavalry Division:*

GENERAL: The communications sent by you under flag of truce have been received. Mrs. Walker's request shall be attended to.

If there was any unfairness in the exchange of prisoners it was without my knowledge or consent. Nothing of the sort on the part of officers under my command will ever meet with my approval. I gave the provost-marshal orders to send the requisite number of prisoners of war to your lines and am not aware that any selection was made in order to give us the best of the bargain.

Very respectfully, your obedient servant,

FREDK. STEELE,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., October 28, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: Allow me to call your attention to the fact that the officers and crews of the following-named vessels are still detained in Southern prisons. These captures were made in January last and the officers have been paroled and exchanged. Will you let me know by the next flag of truce why they are not released?

U. S. ship Morning Light, U. S. schooner Velocity, U. S. steamer Harriet Lane.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 28, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: Your letter of the [26th] instant and your telegram of the 27th instant are received. You misuse the word "complaint" in applying it to Surgeon Clark's report on the deficiency of your command. He does not complain that things were not in good order, but reports what he deemed to be neglects. You have had every reason to believe that the depot was to be occupied this winter by a large number of prisoners and it was not necessary to wait for a suggestion from Colonel Humphreys to put your hospital in proper condition, and it should have been attended to long before this late season of the year. I have not time to give you minute instructions about the many matters which you mention in your letter. The responsibility for the good condition of your command is entirely upon yourself and it is expected that you will not wait for instructions, but act on your own judgment, only asking for authority when it is not already in your hands. In your telegram you report that the quartermaster says he will have sufficient supplies for the winter. You should answer for yourself, not for him.

If they should fall short in anything the responsibility would be on you, not on him. If the pumps cannot be protected against the frost in any way so as to prevent their freezing it will not be necessary to put in another one this fall. Can not they be inclosed in a box filled with sawdust or hay so as to keep them from freezing?

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS CAMP DOUGLAS,
Chicago, Ill., October 28, 1863.

Colonel HOFFMAN, *Commissary General of Prisoners:*

COLONEL: In reply to your telegram I will state that twenty-six prisoners were confined in a prison which stood close beside an outside fence. Near the prison was an old sink for slops, nine feet deep and covered about six inches with gravel. The guard paced round outside the building. The prisoners cut a hole through the plank floor, then dug about four feet into the sink and then dug from the sink outside the fence about ten feet, all under ground, right under the feet of the guards. I cannot see how anybody is to blame for it. It is one of those desperate things that desperate men will sometimes do, and was done with great cunning, rapidity, and secrecy, as well as success. We have lost quite a number of men this month besides these, and be patient a moment or two over it. I came to this camp August 18 last. The whole thing, barracks, fences, &c., were all out of repair and very unsafe. On the 19th of August prisoners began to arrive and in a few days I had 4,000 to 5,000. For six weeks I had less than 600 effective men as garrison. During all the time we have been building, fencing, laying sewers, water pipes, &c. This has left large holes in fence, openings in the ground, and during the days there have been large numbers of workmen passing to and fro among the prisoners. Of course all this has produced confusion. Prisoners have slid out the holes in the dark, have passed out as workmen, and in a variety of ways have eluded the vigilance of the guards. The erection of the new fence has made them desperate and they have resorted to all manner of means to escape. Several have been killed and others wounded, and yet some escapes could not be prevented. The new fence will be completed this week and then escape will be next to impossible. There has been some bribery, no doubt, as there is constantly a throng of disloyal men and women here from Kentucky to test the virtue of every soldier they meet with money. The guard is in the same quarter with the prisoners, and this, with the large number of workmen constantly mingling in with them, has given great facilities for such practice. I have instituted some extremely severe punishments to restrain the men, with good general success, though there are perhaps a few exceptions.

Now, colonel, the success of any officer in keeping prisoners depends as much upon the facilities for safety and the strength of the guard as upon the vigilance and devotion of the officer. I tell you frankly this camp has heretofore been a mere rookery; its barracks, fences, guard-houses, all a mere shell of refuse pine boards; a nest of hiding places instead of a safe and compact prison, and my guard has never yet numbered over 900 effective men. We have all labored as I never

labored before and I have done some pretty hard soldiering in the last two years. But, thank God, the crisis is past. The sewers are finished, the water pipes are down, and the fence is nearly finished. Three or four days more will make Camp Douglas so safe and secure that not even money can work a man out. The only danger then will be in tunneling and that will not be tried often.

Begging your pardon for taking so much of your time,

I am, colonel, very respectfully, your obedient servant,

CHAS. V. DE LAND,
Colonel, Commanding.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 28, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: There is every reason to believe we should have had a fight with the prisoners before now if the Michigan had not arrived. The prisoners had in large numbers bound themselves by signing papers to fight their way through and to obey orders. The Michigan cannot lie off but a little while on account of the season, nor can any boat be of any assistance much longer, and whatever force is designed to be here for the winter should be provided and arranged for while the Michigan can remain. If her quarters—the Michigan's—were in Sandusky after the ice drives her from her present ground, she could remain much longer than if she has to sail for Erie, where she has her winter quarters, and she could also be here much earlier in the spring. Whether such arrangements could be made or not and whether it would be sufficient object I am unable to say. It would depend upon whether she could be as safely accommodated here as in Erie, for dock and slip to lie in, and other similar questions. With regard to the prisoners, I know enough about them to know that they will do any act of desperation and that there should be sufficient guard and the best of discipline.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

[Indorsement.]

NOVEMBER 2, 1863.

Mr. Fox says the Michigan can remain all winter.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 28, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

General Marston reports the arrival at Point Lookout of twenty-six cases of smallpox from Fort Delaware. Please report if it prevails at the fort, and how many cases you have.

W. HOFFMAN,
Commissary-General of Prisoners.

CINCINNATI, OHIO, *October 28, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of Barracks No. 2 for Federal paroled prisoners, Louisville, Ky., October 24, 1863. I shall endeavor to leave for Columbus, Ohio, on the 30th instant.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of Barracks No. 2, Louisville, Ky., October 24, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

These barracks consist of a building, formerly a hotel, on Main street, between Seventh and Eighth streets, and two buildings, formerly warehouses, on Main street, corner of Seventh street, all under the command of Captain Gilmore, Third Kentucky Volunteers. The hotel building is used as quarters for the patrol guard of the city, consisting of about 350 men. In it are confined at present six rebel prisoners, one male and five females. It also contains the cook-house, mess-room and necessary store-rooms for all, including the Federal paroled prisoners. In the third story are two rooms fitted up as a temporary hospital for the guard and containing eight beds. It is not intended for the reception of patients from among the prisoners, who as soon as they require hospital care are sent to the military prison hospital. The quarters for the Federal paroled prisoners are in the warehouse buildings, which if properly fitted up might accommodate some 300. As it is no preparation whatever is made except for food and shelter Paroled prisoners are only retained here from twenty-four to thirty-six hours. I could not ascertain the correct average. They run from 10 to 250. Both buildings are in a most wretched state of police in every part with the exception of the quarters of the female prisoners, which I found in very good order. An attempt had been made to cleanse the barracks just previous to my visit, and the whole building was saturated with water, but with little apparent cleansing effect. The sinks are in filthy condition. The cook-house shows no appearance of ever having been policed and the utensils are not kept in good order. The mess-room shows evidence of having been clean once, but certainly was not so at the time of my visit. Discipline is so laxly maintained as to nearly amount to none at all. A contract surgeon, Dr. E. D. Weatherford, attends daily at the barracks to attend such men as need treatment, but who do not require to be sent to hospital. No record is kept of the cases.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

CINCINNATI, OHIO, *October 28, 1863.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of U. S. military prison, Louisville, Ky., October 24, 1863.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of camp and field hospital, Louisville, Ky., October 24, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—U. S. Military Prison. Commander of camp—Capt. C. B. Pratt, Twenty-fifth Michigan Volunteers. Command and strength—guard, Twentieth Kentucky Volunteers, 300; prisoners, average, 500. Location of camp—corner Broadway and Tenth street, Louisville, Ky. Water, source and supply—from river by city waterworks, abundant. Water, quality and effects—good. Fuel—wood and coal. Soil—clay, muddy. Drainage—very good. Topography—on outskirts of city, level, raised three feet above that of street. Police of camp—excellent; entire camp thoroughly policed daily, under supervision of commanding officer. Discipline in camp—more strict than usual. Duties in camp—prisoners required to maintain police. Tents or huts, position—barracks north and east sides of square. Tents or huts, pattern and quality—one story, in good repair. Tents or huts, ventilation—very well ventilated by shutters under eaves. Tents or huts, sufficiency—for about 1,000 prisoners. Tents or huts, heating—by stoves. Sinks, construction—faulty; not properly drained; new ones are in process of construction in which this fault will be obviated. Sinks, condition and position—northeast corner of square, new ones in center of square. Sinks, management—good, as far as construction will allow; kept clean around, but not properly disinfected. Removal of offal, &c.—except from sinks, carefully attended to. Cooking in camp—by contrabands paid from prison fund, very well done. Inspection of food—daily. Portable ovens—bread good, furnished by commissary. Vegetables—in sufficient quantity. Cleanliness of men and clothing—enforced, in by far the best condition I have yet seen. Laundry and washing facilities—good. Quality and quantity of clothing—obtained from contributions by rebel sympathizers, restricted to underclothing and rebel uniform; supply sufficient. Blankets and bedding—sufficient and in excellent condition; in hospital, partially obtained by contribution. Condition of men—comfortable. Hospital buildings—two barracks on south and west sides of square. Hospital police—excellent. Hospital discipline—good. Hospital diet and cooking—U. S. general hospital diet table; cooking by contrabands; daily inspected by surgeon in charge. Hospital, heat and ventilation—by stoves; well ventilated by movable shutters under eaves, roof ventilators, and side windows. Hospital capacity—80; 40 in each barrack. Number sick—average, 35; 10 Federal, 25 rebel; Federals and rebels not kept in separate wards. State of medical supplies and surgical instruments—in good condition and well kept. State of hospital records—carefully kept. State of hospital accounts—well kept. State of hospital fund—$86 September 30, 1863; judiciously expended for extra diet, table furniture, repairs; invoice kept of articles purchased. Medical attendance—sufficient. Nursing—by detail from guard and convalescent prisoners. Interments—by contract. Diseases, prevalent—malarial pneumonia. Diseases, mitigation and prevention of—every care taken. Wounds and operations—not frequent. Recoveries from diseases—very ready. Mortality from diseases—average, 1 to 1.5 per cent. Medical officers—Surg. J. C. Welch, Twentieth Kentucky Volunteers; Asst. Surg. P. N. Norton, Twentieth Kentucky Volunteers. Remarks concerning character and skill: The condition and reports of their hospital indicate that these officers are fully qualified, and that they carefully and strictly discharge their duties.

This prison is merely a receiving depot, the prisoners constantly changing, and unless sick or under sentence being rarely retained more than twenty-four hours. Notwithstanding this constant change, the general condition of the prison is admirable. The quarters are sweet and clean, the mess-room clean and its utensils in good order; the cook-house is well furnished, cooking facilities sufficient, and all in good condition. The food is well cooked, under the daily inspection of the commanding officer and surgeon in charge. The quarters are well ventilated and the bunks are movable and so arranged that the men sleep singly instead of double, triple, or even quadruple, as I have seen in some places. The supply of blankets is abundant and is kept up by taking from prisoners all blankets bearing the mark "U. S." and allowing none to be taken from the prison. These, by frequent washing, are kept clean and free from vermin. In proper weather the quarters and bunks are scrubbed daily, the free ventilation insuring sufficient dryness for health. Cleanliness of person and apparel is enforced. The prison fund was $3,171.68 September 30, 1863. Expenditures are made when required in accordance with the circular. All articles thus purchased are receipted for to the quartermaster. There are eight prisoners at present confined here under sentence of death.

It is exceedingly gratifying to have a report like the present to make, and I have to compliment Captain Pratt most highly for the condition to which he has brought the prison under his command. There is but one suggestion to be made, disinfectants should be more freely used about the sinks.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

Statement of M. W. Frierson in regard to the treatment of Confederate prisoners at Fort Delaware.

[Indorsement.]

OCTOBER 28, 1863.

Respectfully referred to Brigadier-General Meredith, agent of exchange, as additional evidence of the truth of the representations I have made as to the treatment of our prisoners at Fort Delaware.

RO. OULD,
Agent of Exchange.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
October 28, 1863.

Hon. JAMES A. SEDDON, *Secretary of War, Richmond:*

SIR: I have seen a statement in the Richmond papers that the Federal Government has definitely declined any further exchange of prisoners. If this is true I think we should commence at once to make thorough and effective arrangements to keep our prisoners of war during the period of hostilities between the two Governments.

I would respectfully suggest that the city of Richmond is not a suitable place for the accommodation and safe-keeping of these prisoners. I think the presence of a large number there is, for many reasons, very injurious. It increases largely the amount of supplies to be transported to the city, and thus employs transportation which might be used for the benefit of the citizens. This has a tendency to increase high prices and cause distress among the poorer classes.

Then they are supplied at much greater cost and trouble to the Government in Richmond than they would be at some point or points in the interior. Our capital is the great point of attack of the enemy in the eastern portion of the Confederacy, and the emergency might arise in which it would be exceedingly inconvenient to have Federal prisoners within its limits. I have no doubt that even now they add much to the sources of information of the enemy with regard to the movements of troops and the disposition of our forces, as it is exceedingly difficult to prevent all communication with persons outside or to remove all means of escape.

The Federal Government seems to have made permanent arrangements to keep their prisoners during the war. I think that like disposition on our part would manifest our indifference on the subject and would bring them to terms of exchange sooner than anything else we could do.

I hardly know what points in the interior to suggest, but one on the extension of the Danville Railroad, near the border of North Carolina, has been named, where wood is cheap and provisions are in abundance, where there is little danger of any raid or attack from the enemy, and whence they could be easily and rapidly transported to City Point in case exchange should be resumed.

I am, very respectfully, your obedient servant,

R. E. LEE,
General.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, October 28, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have the honor to herewith inclose reports of the commandants of prisons under my charge, setting forth the failure in the supply of beef for the prisoners.

I would respectfully state that this is [the] fourth occasion upon which we have been unable to furnish the necessary rations, and whilst earnestly calling your attention to the immediate necessity of some remedy, would state that no force under my command can prove adequate to the control of 13,000 hungry prisoners.

Very respectfully,

JNO. H. WINDER,
Brigadier-General.

[First indorsement.]

OCTOBER 28, 1863.

This matter seems to cause great trouble and confusion. The Commissary Department and General Winder seem never to agree, and I respectfully ask the interposition of the Secretary of War.

A. R. LAWTON,
Quartermaster-General.

[Second indorsement.]

I do not know the Commissary-General in this matter under the law. I look to the Quartermaster-General for any failure that may take place.

Respectfully,

JNO. H. WINDER,
Brigadier-General.

[Inclosure No. 1.]

ASSISTANT PROVOST-MARSHAL'S OFFICE,
Richmond, Va., October 28, 1863.

Capt. W. S. WINDER, *Assistant Adjutant-General:*

SIR: Permit me respectfully to inform you that no beef has been furnished for the use of this prison this day, and I understand from Captain Warner, assistant quartermaster, that the prospect of getting any is bad. It is almost impossible to conjecture the evils that will arise if the prisoners are not furnished in proper time. A prompt supply, even if the ration should be short, will insure discipline and, I think, prevent violence.

Respectfully,

G. W. ALEXANDER,
Assistant Adjutant-General and Assistant Provost-Marshal.

[Inclosure No. 2.]

GENERAL HOSPITAL No. 21,
Richmond, October 28, 1863.

Capt. THOMAS P. TURNER,
Commanding C. S. Military Prisons:

SIR: I beg leave to report that no beef was furnished by the Commissary-General's butcher for the use of the Federal prisoners confined in this hospital this day.

I am, sir, your obedient servant,

S. B. SIMMONS,
Assistant Surgeon, Provisional Army, C. S.

[Inclosure No. 3.]

C. S. MILITARY PRISONS,
Richmond, October 28, 1863.

Capt. THOMAS P. TURNER,
Commanding C. S. Military Prisons:

CAPTAIN: The Commissary-General's butcher has failed to furnish beef for prison subsistence and I am informed that he cannot supply us with any to-day, and a very poor prospect for any to-morrow.

I am, captain, your obedient servant,

SAML. BURNHAM,
Commissary-Sergeant.

[Inclosure No. 4.]

RICHMOND, *October 28, 1863.*

General JOHN H. WINDER:

GENERAL: I propose to furnish beef to the C. S. military prisons for six or eight days at rate of 80 cents per pound, providing you can protect them from the Government agents.

Very respectfully, your obedient servant,

FREDK. C. BRANER.

FORT DELAWARE, *October 29, 1863.*

Col. W. HOFFMAN:

I have 130 cases, mostly of a mild character. The disease is decreasing. No cases were sent from here knowingly. It is exclusively among prisoners. I have a contagious hospital for them. The surgeon represents that the first case came from Camp Chase, Ohio.

A. SCHOEPF,
Brigadier-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., October 29, 1863.

Hon. ROBERT OULD, *Agent for Exchange:*

SIR: I am in receipt of your communication of the 20th instant, the tenor of which induces me to make some explanatory statements of facts with which it would seem you need to be reminded.

The system of exchanges of prisoners of war determined in the existing cartel was first interrupted by the declared purpose of the Confederate Government to make certain distinctions in the treatment of a particular class of troops, officers and men, in violation of the provisions of the cartel. This seems to have been the first step toward the irregularities which have culminated in your unequivocal declaration, reported by me to my Government on the 18th instant, that "(you) will proceed to declare exchanges whenever (you) conscientiously feel that (you) have the right to do so for the purpose of putting men into the field."

There can be no objection to your acting conscientiously in any given case so long as your conscience is enlightened and guided by those laws of war which require obedience between belligerents to solemn agreements entered into by authorized commissioners, acting in the name of their respective superiors. But if you mean by the expression your "conscientious sense of right" to substitute this sense of right for the requirements of an existing cartel, I can by no means concede to you that right; and if you do not mean this, I cannot understand what you mean by so vague and general a declaration. Judging by your recent proceedings it seems that you have declared exchanged all Confederate officers and soldiers on parole within what you claim as your lines up to a very recent date without having any proper right to do so, either under the cartel or under the laws of war.

The history of this matter, as I understand it, is briefly this: While my predecessor on duty at this place was here in discharge of the duties now committed to me you at one time made a declaration of exchange, embracing no great number of prisoners of war, not in accordance with the requirements of the cartel, and you invited Colonel Ludlow, my predecessor, to make a corresponding declaration of equivalents. Such a declaration was made by Colonel Ludlow doubtless without anticipating the magnitude of the evil which appears now as the result of that departure from the cartel first inaugurated by yourself. Subsequently to my coming on duty here the events of the war threw upon your hands a large body of paroled officers and men, over 30,000 captured by General Grant at Vicksburg, and not long afterward some 6,000 or more captured by General Banks at Port Hudson.

Suddenly and without any proper conference or understanding with me, and but a few days prior to the important events at Chickamauga, as if for the express purpose of increasing the force of General Bragg against General Rosecrans, you gave me notice that on the next day after the date of that notice you would declare exchanged a large portion of the troops which had been captured by General Grant. When your declaration was made it covered an indeterminate number of troops, designated by commands, brigades, divisions, and corps, no definite number of either officers or men being designated. Up to that time you had delivered at City Point a certain number of prisoners of war for which you had receipts, by which you must have known the number you might claim the right to discharge from their parole. You did not think proper to limit yourself to this number, nor in any proper manner

did you refer to it, but made your declaration of exchange in such indefinite terms as made it next to certain that you did not intend to be governed by the cartel.

On referring to the data furnished by the reports of General Grant and now in the hands of the Commissary-General of Prisoners at Washington, it was ascertained that you had discharged from parole by your declaration a very considerable number of your men, over and above any claim you might pretend to, founded on receipts for prisoners of war delivered from the South according to the cartel. Without referring to fractions it appeared from the best data in our hands that you had discharged three for two, or one-third more than you were entitled to. You suggested that I should make a corresponding declaration of exchange, when, as I suppose you must have known, you had not delivered to me, nor had you valid paroles of our men sufficient to cover, the number declared exchanged by yourself; and when I proceeded to make the declaration extending to those men you had delivered and stated to you my objections to your proceedings, you insisted that you had valid paroles for more than the number that you had declared exchanged, though you failed to produce those paroles or to give any account or history of them; and you then proceeded to make a further declaration of exchange, ignoring the cartel altogether, basing your action upon no data communicated to me, the whole proceeding resting, as I suppose you will say, upon your sense of right, as if you were the only party having a right to an opinion on the subject; acting evidently in anticipation of the formal declaration referred to at the commencement of this communication "that you will proceed to make declarations of exchange for the purpose of putting troops into the field whenever you think proper;" and having now exhausted by a declaration of exchange the paroled prisoners in your hands you propose to me the delivery of prisoners of war in our hands for whom you have no equivalents, or comparatively but very few, in order, as it were, that you may obtain possession of many thousands more men of your own, delivered or on parole, for the purpose of declaring them also exchanged and putting them into the field, not in conformity with the existing cartel nor in accordance with the usages of war, but whenever in your individual judgment you may think it proper to do so.

I have only to add that an easy inference from this statement is the answer I have to make to your proposal of the 20th instant, which is not accepted.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 29, 1863.

Col. J. K. BARNES,
Acting Surgeon-General, Washington, D. C.:

COLONEL: I have just received a report* from Surg. A. M. Clark, a medical inspector of prisoners, of his inspection at Camp Morton, in which he says of the acting assistant surgeon in charge, Doctor Funkhauser: "This officer is utterly unfit for the post he holds," and adds details which fully confirm this statement. I have, therefore, the honor

* See p. 424.

to request that a competent surgeon with an assistant may be ordered for duty at the camp without delay. The number of prisoners is about 2,000 and the number of sick about 200.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CINCINNATI, OHIO, *October 29, 1863.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to transmit herewith my report of inspection of McLean Barracks, Cincinnati, Ohio, October 29, 1863. I shall start for Columbus, Ohio, to-morrow morning.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of McLean Barracks, Cincinnati, Ohio, October 29, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Commanding officer—Capt. J. D. Taylor, Eighty-eighth Ohio. Location—No. 264 West Third street, city. Drainage—good, into city sewer. Buildings—one, formerly a dwelling house. Capacity—about 150 prisoners. Patients, number, condition, discharge, and return to duty of—not retained here when requiring hospital care, but sent to Marine Hospital; patients requiring transient treatment are attended by a medical officer who visits the prison daily. Ventilation—the prisoners' quarters very good, by windows on three sides. Warming—sufficient, by stoves and fireplaces. Lighting—lamps, coal oil. Lavatories and baths—none provided. Water supply—abundant, from city water-works. Sewerage—good, into city sewer. Water-closets—in very good order, but not disinfected. Latrines—in bad order, large, brick, recently cleaned. Furniture and utensils—sufficient and in good order, except that there are no sleeping bunks in prisoners' quarters. Bedding—blankets, sufficient. Kitchen—well appointed but not in good order or police. Utensils—sufficient but not in good order. Cooks—detailed prisoners. Cooking—not inspected. Diet—quality, variety of, usual rations. Means of supply—commissary.

This prison is only intended for the transient reception of prisoners. These are received in small squads daily, and as soon as fifty or seventy-five are collected are sent off to Camp Chase or some other permanent prison. The present commanding officer has only been in charge for three days, having relieved Captain Means, One hundred and fifteenth Ohio Volunteers. A large room in the third story forms the present prisoners' quarters. Another of the same size on the second story with several smaller rooms, now used as guard-rooms, would furnish accommodations for about 150 prisoners. No bunks are provided for the prisoners, who now sleep on the floor. The police of the prison is very well maintained, except in the prisoners' cook-room and mess-room. There are at present confined here 47 prisoners, viz, 18 prisoners of war, 25 civilians, and 4 Federal soldiers. No separate

quarters are provided for the Federal prisoners. No hospital accommodations are provided. Prisoners when sufficiently ill to require hospital care are sent to the Marine Hospital. As this but rarely happens, and as the Marine Hospital is not specially intended for the reception of prisoners, I did not visit it. Assistant Surgeon Cruthers, Eighty-eighth Ohio Volunteers, visits the prison daily and attends to such prisoners as require transient care. I did not ascertain the present state of the prison fund. All utensils in use in the prison are receipted for by the present commanding officer to the officer whom he relieved.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 29, 1863.

Hon. M. J. SAFFOLD, *Commissioner, &c., Montgomery, Ala.:*

SIR: You were some time since commissioned by this Department to examine all prisoners held by the military authorities in the State of Alabama and Department of Western Georgia who were not connected with the Confederate Army. Your commission was not designed to be merely temporary in character for the disposal of prisoners then held in custody, but to continue in full force until further orders. You will therefore maintain communication with the Confederate officers having charge of such persons, visit from time to time the several prisons, and make as speedy disposition as practicable of such cases as shall from time to time arise. Any additional instructions which you may suggest as necessary to facilitate you in the discharge of your duties will be given to the military officers in command. Your action under your commission, so far as it has been reported, meets the full approval of the Department.

By order of the Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

WASHINGTON, D. C., *October 30, 1863.*

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners:

SIR: I observe that Mr. Ould claims that if the paroles given at Gettysburg by our troops are not to be considered valid, the troops should be returned as captured, because an order requires our commanders to return troops when improperly paroled on the field of battle.

This pretension is so manifestly inadmissible that I have not thought necessary to answer it in form.

The principles involved are these: Paroles on the field of battle, often given in haste by an enemy unable to take care of or secure them, are informal and invalid by the laws of war.

As a measure of discipline in the Army, an order was issued (the order appealed to by Mr. Ould) requiring officers not to receive but to return prisoners when thus improperly paroled. This order is purely disciplinary in our service and has nothing to do with the principle, the laws of war, by which paroles improperly given are declared to be invalid. It might be considered as designed to give effect to the law of paroles,

but in no sense would the conduct of our commanders under this order make valid paroles improperly given. A commander who should disobey this order might be tried for such disobedience, being answerable to the authority by which the order was given, but the requirements of the laws of war on the subject of paroles would be in no manner affected thereby.

Besides, the order to our commanders referred to was designed to take effect on the field of battle, or immediately thereafter, on the assumption that prisoners so returned upon the enemy would be left on the field, the enemy being supposed to be in no condition to secure them, the very reason why the law of war makes paroles thus given invalid. But this view is fully justified by the practice of the enemy. In a recent case a party, including Lieutenant-Colonel Alston (recently exchanged), was informally paroled. The enemy immediately so declared and ordered every officer and man upon duty. Lieutenant-Colonel Alston, however, chose to act individually, and on the ground of having given his parole he declared that he would not go upon duty until exchanged, and upon this view he delivered himself up to General Burnside, and then, but not until then, he became a prisoner of war. General Burnside considered his case peculiar, as manifesting a high sense of honor, and recommended his immediate exchange, which was accordingly ordered by the Secretary of War.

We do not deny the right to order that party on duty under the circumstances, precisely answering to the case of our own men at Gettysburg.

We do not claim that Lieutenant-Colonel Alston was our prisoner under the parole he gave, but because he subsequently delivered himself into the hands of General Burnside.

With these views we claim that the Gettysburg paroles were invalid, and this principle must be adhered to.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, &c.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., October 30, 1863.

Col. A. A. STEVENS,
Commanding Camp Morton, Indianapolis, Ind.:

COLONEL: As you have just been placed in command of Camp Morton, I think it proper to communicate to you all instructions which apply to prisoners of war. You will learn from General Orders, No. 67, of the 17th of June, 1862, a copy of which is herewith inclosed,* that under the War Department the control of all prisoners of war is placed in my hands and that all correspondence in relation to them passes through me, and you will therefore be governed accordingly. Your reports, returns, rolls, and other communications should be sent directly to me and not through the commander of the depot or district. I inclose herewith a copy† of regulations heretofore issued from this office which you are to adhere to strictly. I need not call your attention to any paticular part because all alike are to be fully complied with. If any paragraph has particular prominence it is the fifth, which relates to the prison fund, for which full accounts must be rendered promptly at the end of every month. For the disbursement of this fund you will

* See Vol. IV, this series, p. 30. † *Ibid.*, p. 152.

be held accountable, as no purchases can be made except by your order. If you have not found proper books in the office for keeping the accounts of the fund and other necessary records of the prisoners you will obtain them immediately, paying for them out of the fund, and have them accurately kept. All required blanks will be furnished from this office on your applying for them. You will immediately make out and transmit to this office an inventory of all property on hand at the camp purchased with the prisoners' fund. It must contain all property of every description—furniture, cooking utensils, stoves, tools, lumber, &c., including articles purchased for the hospital. Large quantities of lumber have been purchased. Report how much of it has been used, for what purpose, and how much remains on hand. An extensive bakehouse was established at Camp Morton two years ago which belongs to the prison fund. Report its condition and how it is used. At the same time an addition to the city hospital was erected as a hospital for prisoners of war. Report its condition and how it is used. Report the names, and whether citizens or soldiers, of all men employed, giving the character of service, and what compensation they receive. You will also make me a separate and detailed report of the condition of the camp when you took command; the strength of the guard and its discipline; the condition of the barracks and hospital, and what had been done toward repairs; the police of the camp; the condition of the prisoners in every respect, and all other details that may be necessary to a complete understanding of all that appertains to it. I would suggest that you select an active and intelligent officer to perform the duties of provost-marshal of the camp, who will have the immediate charge of the prisoners and be responsible to you for the proper enforcement of your orders. Please acknowledge the receipt of this letter and send in the reports with as little delay as possible.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS CAMP PAROLE,
Near Annapolis, Md., October 30, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I beg leave respectfully to forward the accompanying rolls of 190 invalids who arrived yesterday from Richmond, Va., via City Point, and have been placed in hospital at Annapolis. These invalids arrived here in a pitiable condition of mind and body, having experienced extreme suffering from a want (apparently) of proper food. Five deaths from debility occurred during the passage from City Point to Annapolis.

I am, colonel, very respectfully, your obedient servant,

ADRIAN R. ROOT,

Colonel Ninety-fourth New York Volunteers, Comdg. Camp Parole.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 4, 1863.

Respectfully submitted for the information of the Secretary of War.

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *November 10, 1863.*

Respectfully referred to Major-General Hitchcock, commissioner for exchange.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

[Third indorsement.]

NOVEMBER 11, 1863.

Measures are in progress growing out of the facts presented in this note, and some results, it is hoped, are not distant to remedy or punish the evil.

E. A. HITCHCOCK,
Major-General of Volunteers.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 30, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Acting Master David Nichols, C. S. Navy, and seventeen enlisted men were captured off the Mississippi Passes about the 1st of this month. They belonged to the cutter Teazer, but were captured on board a U. S. vessel which they had taken. It is represented they are in irons. Acting Master Nichols himself writes that he is chained in a cell and fed on bread and water. By whose authority is this done? Will you please make inquiry into this matter and inform me what are the facts?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS, *Charleston, Tenn., October 30, 1863.*

Maj. J. J. REEVE,
Assistant Adjutant-General, Stevenson's Division:

MAJOR: I have the honor to report that I have examined the following citizens, prisoners in the hands of the provost-marshal: Ballinger, a Methodist minister of Bradley County; George W. Stout, of Roane County; Peter Costaer, of Monroe County; Monroe Morris, of Roane County; James Grigsby, of Roane County; Robert Morton, of Monroe County. The last named is a youth of sixteen; had a brother killed in our service at Vicksburg, and there are no charges against him. I therefore discharged him. The others are Union men in sentiment, but all protest that they have been guilty of no act of hostility against the Confederate Government. There are no written charges against them. All except Ballinger appear to be too ignorant or infirm to do any mischief, and Ballinger even has but little power to do harm. If the commanding general thinks it necessary a bond and security might be required of the latter. I am at a loss what to do in the other cases and respectfully ask for instructions. They should either be discharged or shipped to the rear.

I have the honor to be, major, very respectfully, your obedient servant,

MARCUS J. WRIGHT,
Brigadier-General, Commanding Post.

OHIO PENITENTIARY, *Columbus, October 31, 1863.*

Brig. Gen. J. S. MASON,
Headquarters U. S. Forces, Columbus, Ohio:

GENERAL: For the last two Sundays we have been locked up the entire day in our cells, being allowed to go to our meals and to exercise an hour at noon. We are habitually confined at a quarter to 5 p. m. and let out at 7.30 a. m. Being confined, therefore, at the usual hour on Saturday and released at the usual hour on Monday makes a continuous confinement of nearly forty hours. You will observe, also, that habitually out of the twenty-four hours of each day we are in confinement only nine hours and a half.

I respectfully request that this condition of things may be ameliorated if it can be done consistently with your duty.

The weather has grown cold enough to render the cells extremely uncomfortable during the day.

I am, very respectfully,

JNO. H. MORGAN,
Brigadier-General, U. S. Army.

HEADQUARTERS CAMP DOUGLAS, *Chicago, October 31, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

I will reply to the report of Doctor Clark as soon as possible. Am quite unwell, and have been so for some days.

Very respectfully, your obedient servant,

C. V. DE LAND,
Colonel, Commanding.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, October 31, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your letter of the 27th instant, in which you advise me that the Michigan will remain in the harbor of Sandusky during the winter; that you look upon her presence as giving more strength to the guard, as [it] will deter the prisoners from making an effort to set themselves free by an attack on my command, and requesting me to make a special report on the subject if I still deem my force inadequate to the safe custody of the prisoners. I will endeavor not to repeat the reasons I have given in my letters of the 1st and 16th of October, but refer you to them, and in this mainly refer to the Michigan and the assistance she can render.

I regard the arrival of the Michigan as most opportune. Making full allowance for the deception practiced by prisoners in their intentions and statements and the uncertainty of their means of knowledge of what transpires inside, not only the fact of their agreements to make revolt, but that last Saturday night had been selected as the time, is well established. Prisoners that went on exchange said and told us in plain words to look out when the Michigan was obliged to leave. If the Michigan could lie where she now does and the bay keep open so that we could have the advantage of the water, with the desperation manifested by the prisoners, I should regard the strictest watch always necessary to prevent revolt and the seizure of our arms. I should have

confidence that they could not effect their escape. The commander of the Michigan does not feel safe to lie where he does this season of the year, and will have to run over to the other side of the bay in case of a northeaster, and after the ice begins to make it will be impossible to lie here at all. If he lies on the Sandusky side, by a system of signals (if the weather, from fogs, &c., did not prevent seeing them), he could be here to render essential service in case of attack, as he could come to our assistance, and in case of success, before the prisoners could leave the island; but the moral influence (so to speak) which the Michigan now exercises in preventing revolt would be wanting. There will be from two to four months when the Michigan cannot come out at all, and then of course could be of no use, and this at the time when the ice on the back of the island will admit crossing and we are deprived of the advantages of the water for protection, either actual or moral. Last winter we had great difficulty in taking care of prisoners in Sandusky and exposed the line of guards, to say nothing of the prisoners, in crossing when the bay was insecure. It will be more difficult this winter, as it will be impossible to obtain the room in Sandusky we did last winter in which to guard the prisoners. The Michigan will be of great service there to keep the prisoners until they could be crossed, after coming at night, when it is impossible to cross them till next day, even when the ice is comparatively good, and besides will be here to render aid as late this fall and as early next spring as possible, and the navigation of the bay, from its being the most southern portion of the lake and fed by streams from the south, is always a month and usually much less impeded by ice than at the eastern end of the lake. At the same time there will be from two to four months when the guard on the island will be the only security to prevent the escape of prisoners into a country thinly populated and with two days' march to the Detroit River and Canada. I therefore repeat my former recommendation that the force here should be increased at least two companies, and then the time in which the Michigan can be of service should be employed in preparing for and securing the companies.

I wish to say a word with regard to my command. In addition to the guard duty, which is constant in all weather, they have the supply of wood, commissary stores, &c., to deliver to all prisoners, making much labor; also to guard detachments a long distance. Many times our force is in this way seriously weakened. Nothing but the presence of the Michigan would have allowed the guard to leave here sent under Captain Bradley to Fort Delaware. Besides, no command is so confined as mine, either men or officers. Volunteers from the neighborhood of Sandusky in the field have been home four times the length of time the men of my command have been away from this post, and I have no doubt it is true of the service generally. My command feel they are not fairly used in that respect. At the same time they went cheerfully where it was conceded they were not obliged to go, when the Governor requested them to go, to repel the enemy in Western Virginia. I do not consider that the command should be so large as not to even invite a revolt, but it should be so large that with that degree of discipline it is reasonable to expect that if attempted there should be no danger of success, and that as the duty of both officers and men is constant, it should not be too onerous and willing, but such that they can stand it from week to week and month to month. This depot of officers, reduced to privates by the cartel, will amount to an army of some 15,000 men, and no calamity would be so great to our captured officers as their

escape, and it should be a matter of certainty that they cannot. While I have the command I do not intend they shall, either individually or collectively.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion.

RICHMOND, *October 31, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In the roll of Confederate officers transmitted to me by you some time ago I find the names of three officers who, by the entries, have been already declared exchanged. They are Lieut. Col. Wharton J. Green, captured at Smithsburg, Md., July 5, 1862[3], and now confined at Johnson's Island; Lieut. H. B. Garnett, of Campbell's battalion, captured in Greene County, Mo., November 3, 1862, and now confined at Norfolk, Va., and Capt. J. W. Johnson, Fourth Missouri, captured in Howard County, Mo., December 29, 1862, and now confined at Johnson's Island. All three of these have been declared exchanged by the agreements between Lieutenant-Colonel Ludlow and myself.

There are many officers besides those on the rolls who are in captivity. They are not all confined in the prisons named in the rolls. You have others. Some of the officers to whom I refer are at Saint Louis, Nashville, Alton, and other places. At some future time I will furnish you with the names of such as have been reported to me. In the meantime will you cause to be prepared lists of such officers as are in confinement at Alton, Saint Louis, and other points?

Of course I only refer to such officers as are not already on the rolls transmitted. If proper inquiries are made, especially at Saint Louis, it will be found that there are also many hundreds of our men who have been declared exchanged by our agreements.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 31, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The Northern papers of the 23d and 24th instant contain notices of the examination of Lieutenant Glassell, of the C. S. Navy, recently captured near Charleston, S. C., from which it appears that he was carried in irons from the jail in New York before the U. S. marshal. It seems that he was subsequently sent to Fort Lafayette, which you know is not now used as a place of confinement of prisoners of war.

I will thank you to inform me as soon as possible whether this statement is true. Will you also let me know the character of the confinement and treatment which this officer is receiving—whether he is in close or solitary confinement, or in irons, and whether his treatment differs from that which is accorded to prisoners of war generally?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 9, 1863.

I have no official knowledge of the manner in which Lieutenant Glassell was treated while in the hands of the provost-marshal at New

York. If he was placed in irons, as the newspapers state, it was doubtless for his security. Since his reception at Fort Lafayette, which is used, as heretofore, as a place of confinement for prisoners of war, his treatment has been, in every respect, the same as that of other prisoners.

Respectfully returned to Brig. Gen. S. A. Meredith, commissioner for exchange of prisoners.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *October 31, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: It is very disagreeable to me to complain of the replies which are made to my inquiries. I refer more particularly to the unsatisfactory indorsements which are made in Colonel Hoffman's office. On the 16th instant I requested of Major-General Trimble, also, as to whether he was closely confined, whether there were any charges against him, and whether he stood in any different position from that of our other officers. You referred those inquiries to Colonel Hoffman, Commissary-General of Prisoners, and his indorsement informs me, by way of answer, that Major-General Trimble is "now at the U. S. general hospital, Newton University, Baltimore, Md." Will you allow me to repeat these inquiries, and especially the one as to whether Major-General Trimble stands in any different position from that of our other officers?

In the same communication of the 16th I inquired about Mr. Alfred Stanly, who was said to be confined in the common jail at Washington, N. C. The reply which I received to that is, "No record of Alfred Stanly or any prisoner at Washington, N. C." I suppose it is known whether Mr. Stanly is in confinement or not. The place of confinement is not very material. Will you please inform me whether Mr. Stanly is in any one of your prisons, and if so, upon what charges?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, *October 31, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have just received your letter of the 28th instant making inquiries respecting the officers and crews of the Morning Light, Velocity, and Harriet Lane. You first say, "They are still detained in Southern prisons." You next say, "The officers have been paroled and exchanged." I really cannot see how paroled and exchanged officers can "still be detained in Southern prisons." If they have been paroled and exchanged when was it done, and by whom? If I have made any agreement as to these parties I will fulfill it to the letter.

If the officers and crews of those vessels are in confinement they are there because you refuse to release the officers and crews of Confederate vessels. The former are very likely to remain in confinement until you release the latter unless I have made some agreement which entitles them to a discharge. I am not aware of having done so.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va, October 31, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In relation to your communication of the 23d instant, inclosing a letter from W. P. Wood to General Hitchcock, I submit the following:

More than a year ago, recognizing the injustice of the arrest of non-combatants, I submitted the following proposition to the Federal authorities, to wit:

That peaceable non-combatant citizens of both the United and Confederate States who are not connected with any military organization shall not be arrested by either the United States or Confederate armies within the territory of the adverse party. If this proposition is too broad let the only exception be the case of a temporary arrest of parties within army lines, where the arresting party has good reason to believe that their presence is dangerous to the safety of the army from the opportunity afforded of giving intelligence to the enemy. It is to be understood, however, in the latter case, the arrest is to cease as soon as the reason for making it ceases, in the withdrawal of the army or for any other cause. This proposal is understood to include such arrests and imprisonments as are already in force.

Although this proposition, so reasonable and humane in its terms, has been before your Government for more than a year, it has never been accepted. I now again call your attention to it. If it does not suit you I will thank you to suggest any modification. I am willing to adopt any fair and reciprocal rule that will settle this matter on principle. It must, however, be settled by rule. It cannot with any safety be determined by "special cases."

You ask me if I will release your citizens against whom there are no charges. Would it not be more liberal to make that offer on your part as far as our citizens are concerned before you ask our consent? You have kept Confederate citizens in prison for many months without charges. Most of them have never had any charges preferred against them, although in the opinion of your authorities there were "special reasons" for their arrest. How easy is it to give or invent a special reason? In all probability there never has been an arrest and imprisonment on either side since this war began for which there was not "a special cause." An arrest for retaliatory reasons, even, is special.

As far as the arrest of citizens of the Confederate States by our authorities is concerned, we will submit to no interference in any way by the Federal Government. It is a matter with which you have nothing to do. The Confederate authorities do not interfere with your arrests of your own people, no matter what injustice has been done to them. Any attempt on the part of the Federal Government to interpose in cases which only concern our authorities and the people of these Confederate States may be justly styled impertinent and meddlesome. As far, however, as the arrests of citizens of the adverse party is concerned we are at all times ready to adopt any fair and reciprocal rule.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE OF EXCHANGE OF PRISONERS,
Richmond, Va., October 31, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Your communication of the 29th instant has been received and its extraordinary and groundless statements read with surprise.

You first represent me as having informed you that I would proceed to declare exchanges whenever I conscientiously felt that I had the

right to do so for the purpose of putting men into the field. In another part of your letter I am charged with having stated that I would proceed to make declarations of exchange for the purpose of putting troops into the field whenever I thought proper. Both of these paragraphs are between quotation marks to indicate that I had communicated them. Moreover, they are mentioned as being my "unequivocal declaration." Upon a faithful examination of my correspondence with you and your predecessor I can find no instance in which such language has been used by me. Will you inform me of the date of any such communication or furnish me with a copy of it? If you cannot, you will certainly deem me justified in denouncing your statement as utterly without foundation in truth.

Upon these premises you have proceeded to throw off sundry sentences more flippant than worthy of notice. As usual, however, you finish the paragraph which contains them with a misstatement in asserting that I "have declared exchanged all Confederate officers and soldiers on parole" within our lines "up to a very recent date." I have done no such thing. I specially excepted the larger part of the Vicksburg capture.

You then proceed to give what you call "a history of this matter." That history, like many others, turns out to be a romance. Lieutenant-Colonel Ludlow's declarations of exchange, to which I referred in my letter of October 2, 1863, were not made in response to any invitation from me or in consequence of any previous declarations which I had made. I did not "inaugurate" what you term "a departure from the cartel." The correspondence of the office very clearly shows that fact.

You are wrong also in your statement that the Vicksburg capture was subsequent to your "coming to duty" at Fortress Monroe. I received official communications from Lieutenant-Colonel Ludlow as late as July 22, 1863—weeks after the Vicksburg surrender—and none from you until the 25th of the same month.

You charge that the declaration of exchange bearing date September 12, 1863, was made "as if for the express purpose of increasing the force of General Bragg against General Rosecrans." This is also untrue. The declaration was not published until several days after the 12th, although it bore that date. Not one of the officers or men named in that declaration of exchange was on the battle-field of Chickamauga.

You further say I must have known that I had not delivered to you nor had I valid paroles of your men sufficient to cover the number declared exchanged by me. I knew exactly the contrary and so informed you. On the 11th of September, 1863, in announcing the declaration of exchange I would make on the following day, I wrote to you that I had "in my possession more valid paroles of your officers and men than would be an equivalent for the officers and men" enumerated in the exchange notice. I have made the same statement to you more than once since. I am prepared to prove that it was true each time it was uttered.

You say your declaration of exchange extended to those whom I had delivered. If you mean that it was limited to such you are incorrect, for it declared exchanged all officers and men of the U. S. Army captured and paroled at any time previous to the 1st of September, 1863, and included many thousands of prisoners taken and paroled by our cavalry and other forces in numerous States of the Confederacy never delivered by me. I have already furnished you a memorandum of at least 16,000 of these paroled prisoners.

You say I failed to produce the paroles or to give any account or history of them. If you mean that I refused to do so, it is not true. I offered to produce them at any time, and importuned you to agree to some principle by which they could be computed and adjusted. When I last met you at City Point you requested me for the first time to send to you a memorandum of the paroles claimed as valid by me. I furnished you with the list on the 27th instant, that being the first day after your request on which a flag-of-truce boat appeared at City Point.

You say I then proceeded to make a further declaration of exchange, "ignoring the cartel altogether" and resting the whole proceeding, as you suppose, on my "sense of right." There, again, you are mistaken. I did not rest the proceeding entirely upon my sense of right. I relied in some measure upon yours, and to that extent its propriety may be doubtful. In communicating to you Exchange Notice No. 7, which is the one to which you refer, I wrote to you as follows:

> I herewith inclose to you a declaration of exchange which I shall publish in a day or two. You will perceive it is based upon the declaration of exchange communicated to me in your letter of the 24th of September last. In my notice I have followed your phraseology. I would have preferred another form of declaration more in accordance with the circumstances of the case. Inasmuch, however, as my declaration to a considerable extent is retaliatory of yours, I have deemed it more appropriate to follow your own form of expression.

Your letter of the 24th of September declared that "all officers and men of the U. S. Army captured and paroled at any time previous to the 1st of September, 1863, are duly exchanged." On the 16th of October following I declared exchanged "all (Confederate) officers and men captured and paroled at any time previous to the 1st of September, 1863." If that was "ignoring the cartel," as you charge, I only followed your example. Our declarations of exchange were precisely similar, except that in another part of my notice I reserved from its operation the larger part of the Vicksburg paroles. If I had followed your "sense of right," as I then had, and still claim, the right to do, I would have included all.

The Confederate authorities take it unto themselves as a proud and honorable boast that they have determined all these matters of paroles and exchanges according to their "sense of right" and not by any views of temporary expediency. In following that guide they have at least shunned some examples furnished by your Government. They have never, in violation of their general orders and without notice to the adverse party, ordered their paroled officers and men to break their solemn covenant, and without exchange lift their arms against their captors. They have therefore escaped the pangs of that retributive justice which made your general order of July 3, 1863, though so well suited to the meridian of Gettysburg, invalidate the paroles given at Port Hudson on the 9th of the same month. Upon further reflection I am sure you will be satisfied that it does not become your authorities, who have chosen, whenever they felt so disposed, without notice or consent from us, to repudiate the established usages of exchange and put new constructions upon the cartel, to complain that others have acted according to their sense of right.

Not content with all the misstatements of fact which I have cited, you have in your letter of the 29th instant descended to a malignant and wanton aspersion of the motives of the Confederate authorities in making the proposal contained in my letter of the 20th instant. You were asked to agree "that all officers and men on both sides should be released, the excess on one side or the other to be on parole." It would have been injustice enough to the many thousands of your prisoners in

our hands and to those of ours in your custody simply to have declined the proposal. But you have thought proper to add to your refusal the gratuitous insult to the Confederate States of intimating that their fair and honest offer was made for the purpose of putting into the field officers and men fraudulently exchanged. This calumny is as destitute of foundation in fact as it is despicable in spirit.

In conclusion, let me tell you that the purpose of your letter is apparent. It has been well known for a long time that your authorities are opposed to a fair and regular exchange of prisoners under the cartel. In rejecting my proposition you have endeavored to conceal under a cloud of vague charges and unfounded statements the determination at which your Government long since arrived. Why not be frank once? Why not say, without any further subterfuges, that you have reached the conclusion that our officers and soldiers are more valuable, man for man, than yours?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Albert E. Proctor calls General Meredith's attention to the condition of the officers of the Forty-second Massachusetts Volunteers captured at Galveston, Tex., and wishes efforts made for their release.

[Indorsement.]

OCTOBER 31, 1863.

Respectfully returned to Brigadier-General Meredith, agent of exchange.

It is very easy to obtain the release and exchange of these men. You have only to release such of ours as are similarly situated. The request herein contained is certainly a singular one, as at the very time I received this paper you sent me a communication refusing a general release of all officers and men on both sides. The Confederate Government is asked to parole these men, while your Government has repudiated the paroles which were given by their companions some time ago. These parties are not in close confinement and never have been.

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 31, 1863.

General R. E. LEE, *Commanding, &c.:*

GENERAL: I am indebted to you for suggestions relative to the provisions to be made for keeping our prisoners permanently.* They accord entirely with my own previous opinions. Until about a week or so since the commissioner of exchange was sanguine that there would soon be, by mutual agreement, a renewal of exchanges. An interview with the Federal commissioner at that time changed entirely his conviction, and he reported to me his belief that the enemy had adopted as their settled policy the retention of all prisoners. I commenced immediately instituting inquiries, with a view to the selection of an appropriate place, convenient, yet secure, in which the prisoners might

* See p. 438.

be retained for an indefinite period. Arrangements are being made to send a considerable portion to Danville, where we have some large, vacant buildings at command; but as a more appropriate, permanent place of imprisonment I am endeavoring to find and secure possession of some suitable island, surrounded by water of sufficient depth to render an attempt at escape dangerous. Such an island, very convenient, as being near the terminus of a railroad, exists in the Yadkin, and I have made earnest effort to purchase or lease it. The owner positively refuses to sell or lease, and I can only obtain it by the compulsion of impressment, which I am very loath to resort to.

There are some other islands in the Roanoke River in the neighborhood of Clarksville not quite so convenient which I am having examined at this time by an officer with the view to the selection of one if suitable. I fully realize all the considerations mentioned by you inducing the removal of the prisoners from Richmond and shall endeavor to effect it as soon as practicable.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 31, 1863.

Brig. Gen. J. H. WINDER:

GENERAL: An arrangement between the Quartermaster-General and Commissary-General has been consummated under which the latter officer assumes the duty of feeding the prisoners of war, giving them rations bearing a proper proportion to those supplied to the army. You are, therefore, relieved from the duty of making provision for them and will direct Captain Warner to discontinue his purchases.

Respectfully,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *October 31, 1863.*

Maj. I. H. CARRINGTON,
Commissioner, &c., Richmond, Va.:

MAJOR: Thirty-four hundred and forty-four dollars were delivered to me as having been taken from Colonel Streight, Fifty-first Indiana Regiment. Of this there were $2,512 in U. S. Treasury notes and $932 in Southern bank bills. The U. S. money was in the original packages as paid out from the U. S. Treasury and had never been in circulation; $1,152 were in $1 notes.

Respectfully, your obedient servant,

C. MORFIT,
Captain and Assistant Quartermaster.

[First indorsement.]

NOVEMBER 11, 1863.

I have re-examined the package of money taken from Colonel Streight and find there $1,152 in $1 greenbacks as stated above.

C. MORFIT,
Captain and Assistant Quartermaster.

[Second indorsement.]

C. S. MILITARY PRISON, *Richmond, May 16, 1863.*

Received of Colonel Streight a package supposed to contain about $3,000 in Federal money to be returned when he leaves this prison.

TH. P. TURNER,
Captain, Commanding.

(Credit indorsed, $50 May 22, and $50 May 23.)

I copied the above from the original in Colonel Streight's possession.

I. H. CARRINGTON.

PRIVATE.] OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 2, 1863.

Maj. Gen. E. A. HITCHCOCK, *Washington, D. C.:*

MY DEAR GENERAL: I inclose you herewith a letter which I have written to Mr. Ould. I have but little hope that he will accept either proposal, but I think if it is presented to him and then published it will have the effect of allaying any public feeling against the Government as to the suspension of exchanges. In consequence of certain movements now in progress I will not be able to go to City Point before Friday or Saturday next, and would be pleased to have your decision on the accompanying before that time.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General.

[Indorsement.]

Respectfully submitted to the Secretary of War, with the remarks that the undersigned does not approve of the manner or precise language employed in the first portion of the letter proposed by General Meredith, which, however, may be easily modified if any part of the propositions should be approved.

The second portion of the proposal is believed to be impracticable.

The first portion involves the question as to whether an exchange of prisoners can be made as proposed without impliedly acquiescing in the formal determination of the rebel authorities, by the proclamation of Mr. Davis and an act of the Confederate Congress, to make a distinction between officers of the Federal Army taken prisoners while serving with white troops and those serving with colored regiments.

With these remarks the questions connected with the proposal of General Meredith is respectfully submitted.

E. A. HITCHCOCK,
Major-General and Commissioner for Exchange of Prisoners.

[Inclosure.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 2, 1863.

Hon. R. OULD, *Agent of Exchange, Richmond, Va.:*

SIR: Having learned from the most undoubted authority that the Confederate Government have neither the means nor the power to subsist, clothe, or furnish proper quarters for the Union prisoners held in custody in Richmond and elsewhere in the South, I deem it incumbent on me from motives of humanity to urge upon you the acceptance of one of the following propositions:

First. I will exchange officer for officer, man for man, according to the grade and rank or equivalents as provided in the cartel, according

to the date of capture, sufficient to secure the release of all Union prisoners of war now held in confinement in the South, with the distinct understanding that this offer, if acceptable to the Confederate authorities, shall not waive or forego any claim, demand, or matter of controversy now pending between us.

Should you decline to accept the above proposition I will agree that each party shall subsist and clothe the prisoners of war held by the other, and shall provide for the speedy transportation and delivering of such subsistence and clothing within the lines of each army respectively to the place or places where the same is needed to be issued, provided that either party provide money sufficient for that purpose in lieu of subsistence and clothing in kind, the respective agents exchanging proper vouchers from time to time, and at all times to mean a faithful compliance with the terms of this proposal.

On the 28th ultimo 181 Union prisoners were delivered at City Point, eight of whom died on the passage from that place to Annapolis. They were all in a starving condition. You have stated to me yourself that there were no lights in the sashes in Libby Prison, and that your authorities had no means to place any there. How great, then, will be the suffering of our prisoners during the coming winter.

Confederate prisoners held by the U. S. authorities are at present well fed, clothed, and housed. Should you decline the foregoing propositions I shall deem it my duty to urge upon my Government the necessity and the justice of rendering the condition of Confederate prisoners held by us as nearly as possible similar to that of ours held by the Confederates.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

MEDICAL INSPECTOR-GENERAL'S OFFICE,
Washington, D. C., November 2, 1863.

Colonel HOFFMAN,
Commissary-General of Prisoners, U. S. Army:

SIR: The following is an extract from Lieut. Col. G. T. Allen's report of inspection of the post hospital at Corinth, Miss., October 17, 1863:

> The only complaint is for clothing and blankets. Doctor Leonard complains that he cannot procure enough blankets to keep the prisoners comfortable. * * * Prison in excellent order.

I am, sir, very respectfully, your obedient servant,

JNO. M. CUYLER,
Acting Medical Inspector-General, U. S. Army.

WASHINGTON, *November 3, 1863.*

Brig. Gen. S. A. MEREDITH:

Have the blankets forwarded by the quartermaster been delivered to the prisoners at Richmond? Will it be safe to send clothing?

W. HOFFMAN,
Commissary-General of Prisoners.

FORT MONROE, *November 3, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

I have sent 1,000 suits of clothing and 1,500 blankets. Sent as many more to-day. General Dow writes that he received and will distribute them.

S. A. MEREDITH,
Brigadier-General.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
November 3, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In a formal statement* made under the direction of the Hon. P. H. Watson, Assistant Secretary of War, by Colonel Irvine, a prisoner of war recently returned from Richmond, and submitted for the consideration of this office, is found the following language:

Maj. B. F. Mosely, of Fourth Kentucky Cavalry, captured at Nashville, is in irons, wearing a 64-pound ball and chain, at Atlanta.

Capt. Lewis L. Carter, of the East Tennessee cavalry, detailed on General Wilder's staff, was also captured at Nashville and is held and treated in like manner. They have not been served with any charges, but the officers about there report the charges against them to be, levying war against their sovereign States. Major Mosely being a Kentuckian and the other from Tennessee, they are held as political prisoners. Captain Carter desires General Wilder to be informed of his condition. Mosely has been aide to Governor Johnson, whom he wishes informed of his situation.

Lieut. E. H. Mason, Company B, Twenty-first Ohio Volunteers, and Lieut. Wilson W. Brown, of same regiment, are in irons at Atlanta. The charges against them are that they were in the bridge-burning expedition of General Mitchel, at which time they were privates. One was exchanged and the other escaped. They were promoted, captured in battle, and are now held on the old charges.

John Wollam, private, Thirty-third Ohio Volunteers, is also in irons and cannot learn the charges against him.

Capt. C. S. F. Dircks, Company K, First Middle Tennessee Infantry, a native of Denmark, taken last January, was also subjected to the same treatment for five months. The irons have been taken off, but he is still held and cannot learn what charges, if any, there are against him. They did not try him nor make any pretense of expecting to.

This information in regard to these officers and soldiers of the U. S. Army now languishing in Southern prisons is regarded as entirely reliable, it having been obtained by Colonel Irvine from officers captured at Chickamauga and confirmed by personal conversations with General Dow, who himself saw these persons and knows the facts. Maj. J. P. Collins, of Twenty-ninth Indiana, is one of the persons who furnished the information. He was captured at Chickamauga and conversed with these prisoners, who were anxious to ascertain what was against them.

As the officers and private named are prisoners of war and are recognized by this Government as occupying that status, and that only, its utmost power should be exerted to secure for them the treatment to which they are entitled according to the usages of civilized nations. All restraints upon their liberty beyond what are necessary for their safe-keeping are violations alike of the customs of war and of the sentiments of humanity.

It is entirely manifest that the unarmed and helpless captives mentioned now confined in prisons at remote points from the loyal States have not been loaded with irons as a precaution necessary for their security. This inhumanity is either one of the caprices of the rebel

* Omitted in view of quotations herein given.

despotism or is the result of a deliberate purpose to chastise and torture those who in being disarmed by the fortunes of war are only the more under the shelter of its laws. In those cases where it is suggested that there are any grounds alleged for this course of treatment it will be observed that they are mere pretenses and do not deserve serious consideration. Upon the insolent pretension that because citizens of Kentucky and Tennessee have been true to their national flag they may in disregard of the cartel be held and tried as traitors not a word need be said.

Equally untenable is the position said to be taken in reference to Lieutenants Mason and Brown. The "bridge-burning expedition" to which it is stated they belonged was the subject of an investigation in this office and of a report to yourself under date of 27th of March, 1863. It was fully proved that it was military in its character, set on foot for the purpose of cutting the communications of the rebel army, and that the soldiers engaged in it were regularly detailed for the duty. It is true that, the expedition having failed, seven of these men were executed at Atlanta under the charge of being spies; the testimony, however, left no doubt but that this execution took place under a peremptory order from Richmond and against the convictions of the court by whom the men were tried. In every aspect in which it can be regarded it must be pronounced to have been a cold-blooded and cowardly murder. But if even these two lieutenants had been spies, which they certainly were not, their having escaped and returned in safety to the lines of their own army would, according to the universal law on the subject, protect them from punishment. Spies to be punished must be found or taken as such. If they succeed in reaching the military forces to which they belong the offense does not follow them, and they are not liable to be tried for it if afterward captured.

Retaliation for outrages such as those of which these captives are now the victims is, it is true, an inadequate mode of redress, but it is the only one within the reach of the Government. It is therefore recommended that it be at once resorted to and that rebel prisoners corresponding in position in the military service to the officers and private named be subjected to precisely the same treatment which the latter are now enduring. This much is due equally to the public honor and to the victims of these oppressions, and it is believed that such a retaliatory measure, if promptly adopted and persisted in, will go far to repress such brutal and barbaric practices in future.

All of which is respectfully submitted.

J. HOLT,
Judge-Advocate-General.

[Indorsement.]

WAR DEPARTMENT, *November 9, 1863.*

Referred to Maj. Gen. E. A. Hitchcock, commissioner for exchange of prisoners, with instructions to ascertain from the rebel agent for the exchange of prisoners whether the facts herein alleged can be true, and if they be true to direct immediate retaliation.

By order of the Secretary of War:

P. H. WATSON,
Assistant Secretary of War.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 3, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

SIR: I have the honor to report that the reply to my request for the release of the officers and crews of the Morning Light, Velocity, and Harriet Lane was as follows:

If the officers and crews of those vessels are in confinement they are there because you refuse to release the officers and crews of Confederate vessels. The former are very likely to remain in confinement until you release the latter unless I have made some agreement which entitles them to a discharge. I am not aware of having done so.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

I am, general, very respectfully, your obedient servant,
S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, November 3, 1863.

General JOHN H. MORGAN:

SIR: I have delayed answering your letter of the 31st ultimo until I could consult with the prison directors. It is not a part of my military duty to require more than your safe confinement in the Ohio penitentiary, giving you as far as practicable all of the privileges of prisoners of war.

As your place of confinement designated is the Ohio penitentiary, it is necessary that you should be subject to and observe the rules and regulations for the government of that institution.

The directors deem it necessary to keep the convicts entirely separate from your officers, and have required that at such times as they are going to or from their cells those of the prisoners of war must be closed. You will be allowed as much freedom on Sundays as the rules of the institution will admit of.

Very respectfully, your obedient servant,
JNO. S. MASON,
Brigadier-General, U. S. Army.

HEADQUARTERS COMMANDER OF THE POST,
Camp Douglas, Chicago, Ill., November 3, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to submit the following reply to the report of Dr. A. M. Clark, acting medical inspector of prisoners of war, as directed by you in your note of October 24, 1863:

First. Police of camp very much neglected, except in barracks of Invalid Corps.

From the 18th of August to the 26th of September the whole guard duty of the camp was performed by eight companies of the First Michigan Sharpshooters and two companies Sixty-fifth Illinois Infantry. The force was so small that the men were compelled to go on duty every other day, and there was but little time to do police duty. The invalids had been in camp but four or five days when the inspection

was made, and had been assigned to no duty, except to fit up their quarters, until a day or two before the inspection.

Second. Discipline in camp very lax.

The discipline of the camp is fully as strict as it ever has been, though the force at my command has been less than one-quarter the average heretofore employed. It is the remark of all who have been acquainted with the camp since its first organization that the discipline was never more perfect and the prisoners under better control.

Third. Sinks badly constructed and in filthy condition.

The sinks were in the places and constructed the same as those heretofore used, though the doctor's remarks are strictly true. I have caused ten new sinks to be constructed over the sewer, with forty funnels each, leading into a soil box, which is washed and cleaned every day by an adjusted hydrant. These will be ready for use in two or three days, when the old ones will be cleansed and covered. I regard this as one of the most important improvements made in the camp.

Fourth. Removal of offal not well attended to; no receptacles provided.

The offal of the camp is deposited in barrels and removed as fast as the teams provided for use in the camp will allow. No more perfect system can be devised at present.

Fifth. No attention is paid to cooking in prisoners' barracks by authorities.

This is a sad mistake. All the attention possible, after discharging other duties, has been paid to this matter. We have been very deficient in means to cook with, but good food has been furnished to all.

Sixth. Clothing in hospital for prisoners is very deficient.

How could it be otherwise with so many sick thrown upon our hands without notice and no provision, not even cots to put them upon? This defect is being remedied as fast as possible, though the rapid spread of the measles is greatly augmenting the sickness of both prisoners and garrison.

Seventh. Hospital bedding is very deficient.

Same reply as above.

Eighth. Police of prison hospital not as good as it should be; cooking arrangements not carefully inspected; discipline of hospitals not good.

Beg leave respectfully to differ with Doctor Clark. The hospitals are overcrowded; some of them contain double the number they should accommodate, and this must continue till the new ones ordered can be completed; but I am positive that great care has been taken to have the best of discipline in these respects.

Ninth. All the prisoners' barracks are greatly in need of repairs, &c.

All true, but they are being repaired as fast as possible. Your instructions to remedy the deficiencies are receiving my constant attention. The hospitals and laundry are already commenced and will be completed as soon as the weather will permit.

Colonel, I hope you will allow me to make some suggestions as to some of the instructions contained in your letter.

First. The cooking must hereafter be done in Farmer's boilers, &c. There must be no more cooking in open fireplace nor in camp-kettles.

We have tried the Farmer boilers and they are a failure. I had ordered for the use of each company of the garrison in camp a range built of brick and covered with an iron top, with holes like a cook-

stove, on which pots, camp-kettles, and frying-pans could be used; each range three feet wide and twelve feet long, with sixteen holes, to burn four-foot wood. I regard this as a far preferable mode, and it will be much cheaper than the boilers, do more and better cooking, be as safe from fire, and will insure regularity in meals. I append a specification of this range, and if approved by you will introduce them to the kitchens for prisoners.

Second. Put the ovens in good repair and bake the bread for the command. Baking by contract must be discontinued.

This is at present impracticable, and it is also beyond my reach, as the whole of feeding is done under contract made by Capt. N. W. Edwards, commissary of subsistence for this State. The prisoners use large quantities of corn-meal from choice, and bake their johnnie cakes in ovens and bake-kettles furnished by the contractor, without expense to the Government. The old bakery here is not half large enough to accommodate the number of men, and its use was abandoned because the ovens were defective. They must be rebuilt before they can be used. It would also require the hiring of a large number of men to manage such a bakery. I should not feel safe to trust it in the hands of prisoners.

Third. As to the management of the hospital fund, I leave that to Dr. A. F. Whelan, the experienced and indefatigable post surgeon, to reply to, which reply I also inclose, marked B.

I assure you, colonel, we are all doing all that can be done, with a reasonable regard for economy, to improve the condition of this camp and to benefit its inmates. But it takes time. Already there have been about $20,000 of improvements made, and there is room for much more. The calls of necessity and security were answered first; those of humanity come next; and after these, conveniences and adornment will receive their proper share of attention. The draining of the camp and the erection of the new fence have been progressing steadily and are nearly completed. For a long time we suffered very badly for a proper supply of water. This has been provided. The repairs to the barracks and the new hospitals are now being prosecuted. During the past month I have worked about 100 of the prisoners daily upon these improvements, and am still employing that proportion. The weather has been very stormy, and this has greatly impeded our progress. My plan of employing prisoners is this: I have announced in orders that those who actually need clothing would be allowed to earn it by laboring on these improvements. The result is the men labor willingly and well. I have also supplied some tobacco to workmen. The cost for this manual labor thus far to the Government is actually nothing, as even the tobacco is bought with the prisoners' savings fund, and the idea of compulsory labor is also avoided. As to the issue of clothing, a great deal has been supplied to Kentuckians by their friends, mostly of cheap gray jeans or satinets. For outer clothing I have thus far supplied from a lot of "gray pepper-and-salt" clothing in possession of Capt. J. A. Potter, U. S. quartermaster, turned over to him by the Government some time since, originally intended for the State troops of Illinois and Wisconsin. Underclothes and blankets forwarded by you have been used, and I shall want more as the season advances.

You will pardon me, colonel, for detaining you so long, but I know you desire to be fully acquainted with the doings of your subordinates. I hope by the end of this month to report to you, or to exhibit to your inspectors, a model military prison in all that relates to economy to the

Government and the welfare of its inmates. If I fail, the fault shall not be mine.

I am, colonel, very respectfully, your obedient servant,

CHAS. V. DE LAND,

Colonel Michigan Sharpshooters, Commanding Post.

[Inclosure B.]

CAMP DOUGLAS, *Chicago, Ill., October 31, 1863.*

SIR: Agreeable to your order to Colonel De Land, I submit the report of hospital fund of prisoners of war and its expenditure for month of September, 1863, at Camp Douglas, Chicago, Ill.

The rations are furnished on contract by E. S. Fowler & Co., which provides when rations are commuted it shall be at $14\frac{8}{100}$ cents for each and every ration. The contract also provides that the component parts of each ration shall have a certain price per pound, and 100 rations (per pound) at contract prices amount to more than commutation price, as the subjoined table of rations will show, which is contract price and nearly the proportion and kind of articles required in the hospital, and, as you will observe, lessens the savings to the hospital; hence leaves a small fund. The average number of sick for the month was 107 and the whole number of rations due was 3,235. See monthly statement of the hospital fund, which will give the issue, savings, and purchases for the month.

The following is a table of rations drawn by hospital, viz:

100 rations meat:	
70 rations beef, $87\frac{1}{2}$ pounds, at $6\frac{1}{2}$ cents	$5 47
30 rations pork, $22\frac{1}{2}$ pounds, at $4\frac{3}{4}$ cents	1 07
100 rations bread, $137\frac{1}{2}$ pounds, at $4\frac{1}{4}$ cents	5 84
100 rations beans, 8 quarts, at 3 cents	24
100 rations rice, 10 pounds, at 6 cents	60
100 rations coffee, 10 pounds, at 30 cents	3 00
100 rations sugar, 15 pounds, at 10 cents	1 50
100 rations vinegar, 1 gallon, at 4 cents	04
100 rations candles, $1\frac{1}{4}$ pounds, at 12 cents	15
100 rations soap, 4 pounds, at $4\frac{7}{32}$ cents	17
100 rations salt, 2 quarts, at $2\frac{1}{2}$ cents	05
100 rations potatoes, $42\frac{84}{100}$ pounds, at $\frac{1}{2}$ cent	21
100 rations molasses, $1\frac{1}{7}$ quarts, at 28 cents per gallon	08
Total cost of 100 rations to hospital	18 42
Loss on 100 rations to hospital fund	4 34
Loss on 3,235 rations due hospital for month of September	140 40

The above exhibit will show why it is that the hospital savings at this post must be small in proportion to the sickness when compared with other hospitals. The sickness during the present month is very much increased over last and of a severer type, which will increase the savings of the present month.

Trusting that the above is a satisfactory exhibit of the prisoners' hospital fund at Camp Douglas,

I remain, very respectfully, your obedient servant,

A. F. WHELAN,

First Michigan Sharpshooters, Post Surgeon.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, November 3, 1863.

Col. J. HOLT, *Judge-Advocate-General U. S. Army:*

COLONEL: Capt. Frank B. Gurley, a Confederate soldier, was taken prisoner in the recent occupation of Lookout Valley by General Hooker.

A little over a year ago, I can positively swear that he was a guerrilla acting without authority from the Confederate Government, claiming to be a partisan ranger without a commission and subsisting himself and his band entirely by plunder. He was the murderer of Brig. Gen. R. L. McCook, which I well know, as I was present at that sad event and narrowly escaped with my life, being carried away as a prisoner. The general commanding the department respectfully asks your opinion as to whether he can be tried for this offense now or whether his rights as a prisoner of war will protect him from all past responsibilities. In the case of a spy, which is a military offense exclusively, the decision has been made that when subsequently arrested in arms and in battle he cannot be tried for the crime, but in the case of a robber and murderer it seems to me the rule should be different. I am instructed to ask your early decision of this point, as the general commanding is deeply interested in it.

I am, very respectfully, your obedient servant,

HUNTER BROOKE,

Captain and Acting Judge-Advocate, Dept. of the Cumberland.

GENERAL ORDERS, No. 43. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, November 3, 1863.*

The following notice of exchanged officers and men is published for the information of all concerned:*

By order:

S. COOPER,

Adjutant and Inspector General.

WASHINGTON CITY, D. C., *November 4, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I have the honor to state that several applications have been addressed to me having in view the exchange of citizens as prisoners. I have exhausted my efforts by correspondence to induce the enemy to discharge our citizens, held as such, by assurances that we do not hold in confinement any citizen on the ground simply that he is a citizen of the section of country in rebellion, but in all cases when arrests have been ordered it has been for some cause.

Mr. Ould, the agent from Richmond, refuses to discharge our citizens, holding them in confinement without any pretense of accusations against them, his object being professedly to create such a "pressure" upon our "people" as shall compel the Government to enter into some sort of cartel on the subject, by which this Government would obligate itself to make no arrests of citizens at all, or to hold parties in arrest only under circumstances that would virtually be dictated by the rebels.

The visible object of this proposal by Mr. Ould (or his Government) is to place the rebels of the South, by something like a treaty, on a footing with the citizens of the whole country, by which the Government would relinquish all right to arrest any traitor engaged in rebellion unless taken in arms.

I have not supposed that the Government can listen for one moment to such a proposal.

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* See Exchange Notice No. 7, October 16, p 388.

Meanwhile many of our citizens are suffering in Southern prisons; and the question remains: How are they to be relieved?

One method seems obvious to many who refer to it, verbally and by letters, to wit, that of arresting citizens in the South in sympathy with the rebels, to be exchanged for Union men. This seems to be a first thought with many, but a serious objection to it is that the war, instead of being carried on against organized opposition to the Government, would immediately degenerate into a war against citizens, resulting in an amount of suffering frightful to contemplate, by which the character of the country for civilization and humanity would be hopelessly compromised.

I am not prepared to recommend this course, but I feel called upon to bring this subject to your particular notice for such disposition as you may direct.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, November 4, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, inclosing copies of four letters addressed to you by Mr. Ould, and a copy of your letter addressed to him on the 17th ultimo.

I am able to give you some facts which will enable you to set Mr. Ould right in some of the positions taken by him in his letter of the 27th ultimo.

He asserts that he received General Orders, No. 49, long before Order No. 100 was delivered to him, which assertion he bases on their respective dates. On the 14th March I inclosed copies of Order 49 to Colonel Ludlow, and with the approbation of the General-in-Chief suggested that he should communicate it to Mr. Ould, but as some of the provisions are a little obscure, and the colonel was not quite sure how it was to be understood, he deferred presenting it to Mr. Ould until after he had visited this city, by which time Order 100 was published and I have no doubt they were presented at the same time to Mr. Ould. I inclosed them together to Colonel Ludlow in my letter of the 20th of May, and the colonel's letters I presume will show that they were presented together. It is possible, however, that as Colonel L. had a personal interview at that time with Mr. Ould, he presented the two orders in person. Mr. Ould not finding any letter in his possession communicating the orders does not prove that no letter accompanied them.

The two orders announced general rules based on the usages of war, which, in the absence of any specific agreement between belligerents, should govern in paroling prisoners of war, but in this case a cartel had already been agreed upon, and no order of either party could set aside any of its provisions. For instance, a commander on being captured might, under some circumstances, give a parole for himself and his command without violating General Orders, No. 100—which includes General Order 49—but unless the paroling was done at City Point or other named place it would be in violation of the cartel, and the paroles must, therefore, be set aside as invalid. No exceptions could be taken

to this course by the party granting the parole, because the validity of the parole depends on a strict compliance with the provisions of the cartel, and when any other course is followed than that pointed out by that instrument any claim based upon it must fail. Paragraph 130 of Order 100, which prescribes the duties which a paroled soldier may perform, is also to some extent set aside by the cartel, which restricts these duties to a much more limited field than the order. Paragraph 131, which Mr. Ould makes so much of, is also made inoperative by the cartel, because it could only apply to paroles not given at the points designated for delivery, but all such paroles are by the cartel made invalid, and the paroling party could, therefore, have no pretext for claiming their recognition. If such a claim could be admitted, the effect at Gettysburg would have been to give General Lee the privilege of placing his prisoners in our hands to be delivered to him at our own charge at City Point. Mr. Ould cannot have the assurance to insist on anything so absurd as this.

General Order 207 was intended simply to announce to the Army that the irregular practice of paroling small squads of men and individuals without rolls or other reliable evidence of any kind, which had very generally prevailed, must be discontinued, and that thereafter the cartel should be rigidly adhered to. This announcement had been previously made to the Confederate authorities through Mr. Ould.

There have been no "successive changes of purpose in the matter of paroles," as Mr. Ould asserts, nor changes of any kind, except so far as to return to a strict observance of the cartel, and this is a change the propriety of which Mr. Ould is not at liberty to question.

The figures which I give you in my letter of the 13th instant were not given as embracing all declared exchanged in General Orders, No. 167, of June 8, but only those which Colonel Ludlow used to make up the balance due him after arranging that declaration with Mr. Ould. It was the declaration which Colonel Ludlow made to cover this balance that Mr. Ould cites as the precedent which authorized him to announce so unexpectedly his declaration of September 12. The fallacy of his assumption is what we want to show; not so much an error in his computation. On examining the record I find that the Eightieth Illinois, 311 men—not 400 as Mr. Ould says—was accidentally omitted from my letter, and by a clerical error Seventy-third Indiana was written Seventy-fifth Indiana. Paragraphs 5 and 6 of General Order 167 cover the troops referred to, and other paragraphs cover the captures mentioned by Mr. Ould. Any discrepancies in numbers declared exchanged at that time on either side is of little consequence, as up to the date of that order it is assumed that the exchange account was satisfactorily balanced.

If Mr. Ould has proof, as he asserts, that the Confederate prisoners [were] delivered at City Point between the 6th and the 23d of May, of which you have no record, it is due to himself and to you that he should produce it. I do not doubt that he has it, but that is no reason why he should withhold it.

He again asserts that he has in his possession more valid paroles of officers and men than would furnish equivalents for all he has declared exchanged up to the date of his letter. You have already invited him to produce these paroles, and without his doing so his assertions cannot be credited. I have seen the statement of Federal troops captured and paroled in the West presented by him, which you forwarded to General Hitchcock. This simply gives numbers captured at different times by different commanders, and is no more reliable nor any better

foundation to negotiate upon than Mr. Ould's own letter, in which he asserts that he has 16,000 valid paroles.

Thus far Mr. Ould has failed to sustain himself in two important particulars: He has not established that he had any precedent, as he asserts, for his declaration of September 13 [12], and he has produced not one of the 16,000 valid paroles which he professes to have in his possession.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

SPECIAL FIELD ORDERS, No. 69. } HDQRS. ARMY OF THE OHIO, *November 4, 1863.*

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XVI. Brigadier-General Hascall, U. S. Volunteers, Colonel Love, Eleventh Kentucky Mounted Infantry, and Lieut. Col. William Hartsuff, assistant inspector-general, will form a board for the examination of the cases of political prisoners now in the custody of the provost-marshal-general. The board will meet without delay at such time and place as the President appoints, and will sit without regard to hours.

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By command of Major-General Burnside:

EDWARD M. NEILL,

Major and Assistant Adjutant-General.

WASHINGTON, *November 5, 1863.*

General MEREDITH:

Your proposed letter of the 2d instant to Mr. Ould cannot be immediately acted upon. It must be laid before the Secretary of War. Represent to Mr. Ould the suffering condition of our people in Richmond prisons, according to universal testimony, as beyond all parallel in the history of war. It moves the indignation of our people against the authorities in Richmond who countenance or permit it.

E. A. HITCHCOCK,

Major-General of Volunteers.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, November 5, 1863.

Brig. Gen. M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.:

GENERAL: I have the honor to inform you that there are at this time 12,000 to 15,000 prisoners of war at western stations, to which number there is reason to believe there will be added 10,000 to 15,000 during the winter, and as it has been found necessary, out of humane considerations, to issue considerable quantities of clothing to rebel prisoners who are generally found in a destitute condition, I respectfully suggest that 15,000 suits of inferior clothing, with an extra quantity of shirts, and 1,500 blankets be reserved in the western clothing depots for this purpose.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

L. D. Ingersoll, Treasury Department, Washington, D. C., inclosing letter from Mrs. M. E. Patterson, making inquiry concerning a Mr. Johnson, who is a prisoner taken from the Minnesota. The indorsement on this letter contained the word "rebel," &c.

[Indorsement.]

NOVEMBER 5, 1863.

Respectfully returned to Brig. Gen. S. A. Meredith.

No paper having such an indorsement will be answered or hereafter noticed. It is bad enough when the communication itself contains such objectionable matter. The indorsement, however, is written by persons who ought to know better. Whenever I find anything objectionable in letters which I refer to you I erase it. Permit me to recommend the same course to you.

RO. OULD,
Agent of Exchange.

RICHMOND, *November 5, 1863.*

Colonel Streight states that when he left Nashville he purchased $5,000 in Southern bank bills at a discount, expecting to use it better than U. S. Treasury notes. This sum of $5,000 was his own personal property and with it the Government had no concern. On his march he paid out a good deal of this money for purchases for his command, and his quartermaster repaid him in U. S. Treasury notes which had never been used. After his capture his surgeons sold their horses to Confederate quartermasters for about $800 or more in Confederate money. Of this amount Colonel S. purchased from his surgeons about $825, paying them 20 cents on the dollar in Federal money. General Forrest had taken from the quartermaster of Colonel Streight a package of $851 in Federal Treasury notes—all $1 notes—except one $5 bill. For this package Colonel S. gave General Forrest $851 in Confederate money, the exchange being made dollar for dollar.

Colonel Streight states that this package contained all the $1 notes in his possession, and that the report of Captain Morfit that he had $1,153 in $1 notes is a mistake. He states that the whole amount of money taken from him is his own individual property, and that his Government has no interest in or claim to any part of it. In addition to the credits indorsed on the receipt (which were paid in Federal money) he has received only $50, which were paid in Confederate money. He desires to be paid $100 per month hereafter for his expenses.

Colonel S. also claims that if he should be decided to have forfeited his money by being taken prisoner, that yet, under the rule of which he has been notified by General Winder, he is entitled to payment of his expenses.

I. H. CARRINGTON.
Commissioner.

[Indorsement.]

RICHMOND, VA., *November 10, 1863.*

I receipted to Colonel Streight on the 16th of May, 1863, for a package "supposed to contain $3,000." I did not count the money as it was a large package, principally in $1 notes, and I understood that the money was to be confiscated, but took Colonel Streight's word as regarded the amount, giving him the usual receipt, "to be returned when

released from prison." As I was not at the time sure that the money would be confiscated the money was never counted at the prison, but in a few days turned over to Captain Morfit, assistant quartermaster.

TH. P. TURNER,
Captain, Commanding C. S. Military Prison.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 6, 1863.

Maj. Gen. U. S. GRANT:

GENERAL: I have the honor to inclose herewith a declaration of exchanges made by Mr. Ould, Confederate agent for exchange, and a statement giving the names of officers and the strength of commands covered by his declaration.* These will be some assistance to you in distinguishing among prisoners of war who may fall into your hands those who have violated their paroles, if there be any such In cases of doubt, by a reference to the records in this office names and other particulars may be obtained which will serve to identify such offenders. It is contemplated that prisoners of war will be generally held at the depots established north of the Ohio, but there must necessarily be a great many captured in small parties, and many wounded must fall into our hands as the army advances, who should be collected at some convenient point from which they can be transferred to the principal depots, and I have respectfully to request that you will have Nashville or other suitable place designated as a temporary depot and furnish me with the name of the officer placed in charge. As soon as prisoners reach the temporary depot they should be reported to this office, with a carefully prepared roll giving the rank, regiment, and company, and time and place of capture. In order to a proper accountability of them, the sick and wounded should be, as far as practicable, assembled at one hospital, where a careful record should be kept of all arrivals, transfers, deaths, &c. I have the honor to inclose copies of regulations† issued from this office by authority of the War Department which provide for the care of prisoners. May I request of you to have them distributed to the different places where prisoners are held, whether hospitals or prisons, and to require commanders to make to this office the required reports, returns, &c.? Please call attention to appendix of Revised Army Regulations, &c. All necessary blanks will be furnished from this office when called for.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to General Banks, New Orleans.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, November 6, 1863.

Maj. Gen. W. T. SHERMAN:

GENERAL: I have the honor to inclose herewith a declaration of exchanges made by Mr. Ould, Confederate agent for exchange, and a

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* See Exchange Notice, No. 6, p. 295. Statement omitted shows 1,207 officers and 14,915 enlisted men of the Vicksburg prisoners. The deliveries at City Point, Va., prior to July 25, 1863, were 72 officers and 8,014 enlisted men, making a total of 24,208 covered by this declaration.

† See Vol. IV, this series, p. 152.

statement giving the names of officers and the strength of commands covered by this declaration.* These will be some assistance to you in distinguishing among prisoners of war who may fall into your hands those who have violated their paroles, if there be any such. In cases of doubt, by a reference to the records in this office names and other particulars may be obtained which will serve to identify such offenders. I have the honor to inclose also a copy of a communication from the acting medical inspector-general in relation to the condition of the hospital at Corinth, Miss., where there are prisoners of war.† To meet such cases I have the honor to inclose herewith copies of regulations issued from this office by authority of the War Department, which provide for the care of prisoners and the furnishing such clothing as may be required for them.‡ May I request of you to have these regulations distributed to the different places where prisoners of war are held, and to require commanders to make to this office the required reports, returns, &c. Please call attention to appendix of Revised Army Regulations, page 523. It is advised for the convenience of providing for them to have prisoners of war collected together as much as possible, and I have respectfully to request that some point on the Mississippi may be designated for this purpose, and that I may be informed of the selection and of the officer appointed to command. It is contemplated that prisoners of war will be generally held at the depots established in Ohio, Indiana, and Illinois, but there must necessarily be a great many captured in small parties, and many wounded must fall into our hands as the army advances, who must be collected at some convenient point from which they can be transferred to the principal depots. As soon as they reach the temporary depot they should be reported to this office, with a carefully prepared roll, giving the rank, regiment, and company, and time and place of capture. All necessary blanks will be furnished from this office as soon as I am informed where they are required.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON CITY, D. C., *November 6, 1863.*

Brig. Gen. S. A. MEREDITH,

Commissioner for the Exchange of Prisoners:

SIR: Your communication of the 29th ultimo§ has been received, forwarding what purports to be a tabular statement of the number of valid paroles claimed by Mr. Ould, with a copy of his letter accompanying it to yourself, of the 27th ultimo.

This tabular statement covers a claim to 18,867 paroles of Federal troops, without distinction of grade, no officers or non-commissioned officers being noticed as among the prisoners. The statement professes to enumerate forty-four places where captures were made, with the names of captors and dates of capture, the number said to have been captured being carried out in figures.

This statement may include some prisoners captured and paroled according to the laws of war; but, if so, it is impossible to distinguish

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* See foot-note, p. 470.

† See November 2, p. 458.

‡ See Vol. IV, this series, p. 152.

§ Not found, but see Ould to Meredith, October 27, p. 430.

them by any evidence in the statement itself. A few are said to have been "receipted for" at Baton Rouge, January 22, 1863, and February 14, 1863, which may be verified; and some evidence may come to light confirming the alleged captures by Generals Lee, Bragg, and possibly some others; but, on the whole, the statement is unsatisfactory, and in its present form is regarded as without credit and not entitled to consideration.

The statement does not show in any one instance by whom the prisoners were received, or to whom, or even where, they were delivered, leaving it to be presumed that they were for the most part paroled on the instant of capture, without authority under the cartel, in not being "reduced to actual possession," contrary to both the laws of war, as set forth in Order No. 100, of 1863, and the provisions of the cartel. Order No. 100 merely publishes the laws of war, and the cartel is entirely in harmony with it.

The orders on this subject subsequently issued, and to which Mr. Ould appeals, were expressly designed to give effect to those laws and to the cartel, and were in no manner intended to abrogate, and neither do they abrogate or modify, the one or the other. If the enemy wishes in good faith to carry out the orders he refers to, the proper course would be to issue similar orders and for a like purpose, in which case there might be some hope of a compliance with both the cartel and the laws of war.

Mr. Ould's effort to have recognized certain paroles as valid which have been informally and improperly made, embracing, so far as we can know from his statements, many citizens in Kentucky, Tennessee, and elsewhere (no particular place being named in some instances), by appealing to Northern orders is a mere perversion of the clear and manifest design of those orders—that design being, as already stated, to enforce, and not nullify, the laws of war. We appeal to those orders, and intend to be governed by them, and if the enemy would assume them, and be governed by them also, all difficulties on the subject of paroles would cease. By Mr. Ould's mode of application or misapplication of those orders, he would use them to destroy and not to enforce the laws of war.

The laws of war are first in order, imposing obligations upon belligerents, and they continue to be obligatory upon both parties, unless modified by a special agreement under a cartel, which, when agreed upon, becomes the highest authority in all specified cases included in the cartel, leaving the laws of war in full operation in all cases not provided for in the cartel—a cartel being analogous to a treaty of commerce between nations, which may modify the natural laws of trade or commerce, binding both parties to the treaty.

The orders of a general in the field, or of a general-in-chief of one of the belligerents, are only operative within the field of the general's command, and can have no effect to modify either the laws of war or the provisions of a particular cartel. Such orders are purely disciplinary in the army where issued, and can neither bind an enemy nor can an enemy appeal to them to justify his departure from or violation of either a particular cartel or the laws of war. A departure from such an order within the army, subject to the authority issuing the order, might subject the offender to punishment within his own army, but could not be appealed to to make a parole valid which by the laws of war or by provisions of a particular cartel would be disowned as not valid.

While we set forth these principles as binding, we deny emphatically that the orders appealed to by Mr. Ould sanction his departure

from the laws of war or the cartel, the express purpose of Order No. 207 (1863) being to enforce the provisions of the existing cartel. It sets out by an appeal, in paragraph I, to the cartel, by its date and the date of the order by which it was published, the provisions of which are to be enforced, and this is again set forward in paragraph II.

Order No. 207 publishes a very important law of war, in paragraph IV, in announcing that "the obligations imposed by the general laws and usages of war upon the non-combatant inhabitants of a section of country passed over by an invading army cease when the military occupation ceases, and any pledge or parole given by such persons in regard to future service is null and of no effect." This paragraph of Order No. 207 does not originate, it merely announces, the law of war on the subject to which it refers; but it is particularly significant, in view of the probable character of many of the paroles claimed as valid in the tabular statement furnished by Mr. Ould, in which, under the head of "Where captured," the statement uses generalities which can in no sense be received. Thus, captures are said to have been made in "Kentucky and Tennessee;" "in Tennessee;" in "Kentucky and Tennessee" (again); in "Tennessee" (again); in "Kentucky and Tennessee" (a third time); in "Barbour County, Ky." (whether soldiers or citizens we cannot tell); in "Western Virginia;" in "Western Virginia" (again); in "Hinds County, Miss.;" in "Eastern Virginia;" in "Mississippi;" in "Kentucky and Tennessee" (for the fourth time), &c.

In fine, the statement is wholly informal and without authority.

You will please furnish Mr. Ould a certified copy of this communication.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols., Commissioner for the Exchange of Prisoners.

(Copy furnished by Meredith to Ould November 9, 1863.)

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., November 6, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: The surgeon in charge of the rebel camp informs me that many of the prisoners are afflicted with scurvy, and he advises that vegetables be furnished them. I have thought it might be advisable to purchase a schooner load of beets, carrots, turnips, cabbages, and the like, and pay for the same out of the fund arising from the savings from their rations. It would probably not add to the actual cost of their food.

Will you be kind enough to advise me of your views in relation to this matter?

I am, very respectfully, your obedient servant,

GILMAN MARSTON,
Brigadier-General, Commanding.

OFFICE OF MEDICAL DIRECTOR,
Baltimore, Md., November 6, 1863.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to call your attention, and through you that of the competent authority, to the fact that there are now confined

at Fort McHenry some sixty rebel medical officers, and at Fort Delaware and other military prisons probably many more. Can no steps be taken to stop the practice of treating surgeons as prisoners of war? The cartel some time ago was arranged on a more generous basis, and upon its provisions our surgeons at Chancellorsville, Fredericksburg, and elsewhere have voluntarily remained with their wounded. In the same spirit nearly all who were taken by us from the enemy at Gettysburg remained behind purposely and became voluntarily subject to restraint. Since then, more than four months ago, nearly all the rebel surgeons have remained in our hands as prisoners of war, while the rebels in retaliation have already captured and placed in confinement at Richmond and elsewhere a very large number of our medical officers. The effect of this cannot help but be detrimental to the service. The rebel surgeons state freely that they will not voluntarily again submit themselves to a long and tedious confinement, and I can add that the temper of our own surgeons is averse to a similar imprisonment in a filthy rebel prison. I must confess that in my own case, as things now stand, I should rather avoid than court captivity, whereas, to the contrary, if the terms of the cartel were adhered to, I would willingly submit to privations only temporary in character in order to minister to our wounded, and would, if on the field at any time, volunteer for the purpose.

I am, colonel, very respectfully, your obedient servant,

GEO. SUCKLEY,

Surgeon, U. S. Volunteers, and Acting Medical Director.

MEDICAL DIRECTOR'S OFFICE,
Annapolis, Md., November 6, 1863.

Brig. Gen. W. A. HAMMOND,
Surgeon-General U. S. Army, Washington:

GENERAL: The steamer New York, upon the 29th ultimo, brought to this city a number of sick and wounded soldiers of the U. S. Army, whose pitiable condition is submitted to your consideration in the hope that something may be done by the Government to avert or mitigate similar suffering in others to arrive from Belle Island. So far as can be known from the press several thousand (10,000) Union prisoners are at Belle Island, or near Richmond, who can only be imperfectly subsisted. Bread and beef are so scarce that Southern papers discuss the probability of famine. Under these circumstances the urgency of the case may well engage the attention of our authorities, that supplies commensurate with their condition may be provided. It appears from examination of inclosed report of the medical officer of the day, general hospital at Annapolis, that 189 sick and wounded left City Point by steamer New York. Of these, died on passage before reaching Fortress Monroe, 4; died between Fortress Monroe and Annapolis, 4; and there have died since admission in hospital at Annapolis, 27. The causes of death, as reported in these last, were: chronic diarrhea, 13; debility, 6; erysipelas, 1; double pneumonia, 4; scorbutus, 1; wound and its effect, 1; typhoid fever, 1; total, 27.

I have considered these facts of sufficient importance to present officially, and am, general, with much respect, your obedient servant,

THOMAS A. McPARLIN,
Surgeon, U. S. Army, &c.

[Inclosure.]

U. S. General Hospital, Division No. 1,
Annapolis, Md., November 2, 1863.

Surg. B. A. Vanderkieft, U. S. Army, *In Charge:*

Sir: I have the honor to make the following general report of the condition of patients (sick and wounded) who arrived at and were admitted to this hospital from Belle Island, Va., per flag-of-truce steamer New York, via City Point, Va., the 29th ultimo. The New York left City Point with 189 sick and wounded. Before she arrived at Fortress Monroe four died. On the trip from Fortress Monroe to this place four more died, leaving 181 to be admitted. To express fully the condition of this number language is almost inadequate, and none but those who saw them can have any appreciable idea of their condition. I do not pretend to particularize, for every case presented evidences of ill-treatment. Every case wore upon it the visage of hunger, the expression of despair, and exhibited the ravages of some preying disease within, or the wreck of a once athletic frame. I only generalize them when I say their external appearance was wretched in the extreme. Many had no hats or shoes, but few had a whole garment, many were clothed merely with a tattered blouse or the remnant of a coat and a poor apology for a shirt. Some had no underclothing, and I believe none had a blanket. Their hair was disheveled, their beards long and matted with dirt, their skin blackened and caked with the most loathsome filth, and their bodies and clothing covered with vermin. Their frames were in the most cases all that was left of them. A majority had scarcely vitality sufficient to enable them to stand. Their dangling, long, attenuated arms and legs, sharp, pinched features, ghastly cadaveric countenances, deep sepulchral eyes and voices that could hardly be distinguished (some could not articulate) presented a picture which could not be looked upon without its drawing out the strongest emotion of pity. Upon those who had no wounds, as well as on the wounded, were large foul ulcers and sores, principally on their shoulders and hips, produced by lying on the hard ground, and those that were wounded had received no attention, their wounds being in a filthy, offensive condition, with dirty rags, such as they could procure, incrusted hard to them. One man who died on the trip from Fortress Monroe told the surgeon previous to death his wounds had not been dressed since the battle of Gettysburg, Pa., where he was wounded in the head and both tables of the posterior part of the skull fractured. A majority of the cases were suffering with diarrhea, some of them with involuntary evacuations, their clothes being the only receptacle for them, and they too weak to remedy the difficulty. This being the case, you can of course imagine the stench emitted from them. Many had pneumonia in some form or stage; some were in the last stage, some gasping their last breath. Delirious with fever, many knew not their destination or were not conscious of their arrival nearer home; or, racked with pain, many cared not whither they went or considered whether life was dear or not. In some, life was slowly ebbing from mere exhaustion and the gradual wasting of the senses. How great must be the mortality, then, of these men, and how dreadful among those still suffering the pains of imprisonment. Every man who could rejoiced over his escape, deplored the scenes through which he had passed, and mourned the lot of those he left behind. Weak and

debilitated, they wished but to die among their friends, a wish which, unfortunately, will be too nearly realized.

Very respectfully, your obedient servant,

S. J. RADCLIFFE,
Assistant Surgeon, U. S. Army, Medical Officer of the Day.

MEDICAL INSPECTOR-GENERAL'S OFFICE,
Washington, D. C., November 6, 1863.

SURGEON-GENERAL U. S. ARMY:

SIR: Medical Inspector C. C. Keeney, U. S. Army, reports as follows: Prison at Alton, Ill., in good condition, except the crowding, being less than 200 cubic feet space to each man. He again recommends, in his report on the post hospital at Camp Douglas, Ill., that the surgeon of the post be directed to furnish the sick prisoners with the necessary clothing and bedding. I recommend that this communication be forwarded to the assistant surgeon-general for his information.

I have the honor to be, very respectfully, your obedient servant,

JNO. M. CUYLER,
Acting Medical Inspector-General, U. S. Army.

[First indorsement.]

SURGEON-GENERAL'S OFFICE, *November 9, 1863.*

Respectfully forwarded to Col. R. C. Wood, assistant surgeon-general, U. S. Army.

By order of the Acting Surgeon-General:

C. H. CRANE,
Surgeon, U. S. Army.

[Second indorsement.]

ASSISTANT SURGEON-GENERAL'S OFFICE,
November 12, 1863.

Respectfully returned to the Surgeon-General.

As there is no authority in this office on the subject-matter of clothing and bedding, I recommend that this communication be referred to the Commissary-General of Prisoners; also the report of the want of room at Alton, Ill.

R. C. WOOD,
Assistant Surgeon-General, U. S. Army.

HEADQUARTERS FORT DELAWARE, DEL., *November 7, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Inclosed please find the report of Dr. H. R. Silliman, U. S. Army, post surgeon. When I assumed command of this post I found fourteen cases of smallpox here and it has been prevailing more or less constantly since that time. The remedies adopted by Dr. Silliman will not only prevent its spreading, but will lead to its extinction. It is an important fact that within the last two weeks very few cases have been brought out of the barracks, the majority having come out of the hospital, and the deaths reported are not caused by smallpox alone, but by a combination of diseases. The deaths are rapidly

decreasing as follows: The number of deaths on the 5th were 6; on the 6th, 5; on the 7th, 3. This is out of 700 sick in hospital.

Very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General, Commanding Post.

[Inclosure.]

FORT DELAWARE, DEL., *November 6, 1863.*

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware:*

SIR: In accordance with instructions received, I have the honor to make the following report, viz: There are now under treatment in the contagious hospital 126 cases of smallpox and its modifications. Of these 110 are of the true type and 16 of the modified or varioloid. The deaths have averaged about 2½ per diem, but it may be observed that this mortality is not due to the character of the disease, but to the existence of other exhausting affections, such as chronic diarrhea, &c., prior to its onset. The disease is evidently decreasing, and has been doing so for the last fifteen days. On the 15th day of October eight cases were admitted, on the 4th day of November none, and on the 5th one. In regard to the origin of this affection I am scarcely able to speak positively. The first case which came under my notice appeared shortly after the arrival of some prisoners from Camp Chase, but I understand that it had existed here for some time prior to that event, in fact, during all the past winter. In addition to this, a case arrived from Washington during the past month, the disease being fully developed on the third day after the arrival of the patient. The measures which have been taken and are still being taken to prevent the spread of the disease are as follows, viz: The barracks have been cleansed and whitewashed; chloride of lime and the Ridgewood disinfecting powder have been freely sprinkled through them; the prisoners are each day turned out in a body and kept moving about in the fresh air for several hours; vaccine and instruments have been furnished to the Confederate surgeons, and they have been sent into the barracks to vaccinate all they can. I can say every man who has not been vaccinated within the last twelve months has had the operation performed for him here. In addition to this, each man who comes to the post is compelled to suffer vaccination as well as each patient who enters the general hospital. Under Providence, I think these measures are having their effect.

I am, sir, most respectfully, your obedient servant,

H. R. SILLIMAN,
Assistant Surgeon, U. S. Army.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, November 7, 1863.

Col. WILLIAM HOFFMAN,
Commissary General of Prisoners, Washington:

COLONEL: I have the honor to report with regard to the condition of the hospital, &c., that on the subject of plastering it I considered the medical inspector and surgeon the proper persons to advise with as [to whether] it could be plastered or not. They recommended plastering two rooms afterward. I concluded to plaster the whole. I began in season; on account of the sickness of the masons a little delayed, but no

inconvenience has arisen or will. Before Surgeon Clark was here, I proposed to the chaplain to superintend the fencing of the grave yard. I have given him such men as I could spare, and it is substantially done. As Surgeon Clark was never within sight of it, he of course only knows what was said to him by me on the subject. With regard to the depth of the graves, they are dug as deep as the stone will admit; not as deep as desirable under the circumstances, but sufficient for all sanitary reasons. Mrs. Pierson has had an additional supply of sheets made for the hospital. There could be a great improvement made inside by a plank road through between the quarters, and also making plank sidewalks. Major Scovill has urged the road on the ground that it will be so muddy before spring that the teams cannot get through. It would cost $1,000 and more for plank, and I have thought we could get along without. With regard to the policing, it is not always as clean as desirable. Constant effort has ever been made and systematic. I am not able to report any improvement. One objection to wide walks made of lumber is that it affords a supply in case of outbreak to seize upon. With the exception of rainy weather there is no difficulty. There have been but two new cases of smallpox for the past week, one of which unfortunately is a soldier. I was in hopes the doctor sent here to assist would have been experienced in the care of hospitals, but find he is not. He appears well, and after experience will become useful. The doctor likes him.

Very respectfully, your obedient servant,

WM. S. PIERSON,

Lieutenant-Colonel, Hoffman's Battalion, Commanding.

WASHINGTON, D. C., *November 7, 1863.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to report that on the 4th instant, and in accordance with your order, I visited the Western Penitentiary of Pennsylvania for the purpose of making a medical inspection of the quarters of the prisoners of war there confined. The penitentiary is situated in Allegheny City, on the right bank of the Allegheny River, opposite the city of Pittsburg, and about a quarter of a mile back from the river. There are here confined 112 prisoners of war, of whom 110 are commissioned officers, 1 non-commissioned officer, and 1 private. One of the commissioned officers is a surgeon. These occupy cells on the first and second corridors of the center building of the prison. On the first or lower corridor are four double cells, about twenty by sixteen by eight feet in dimensions. In each of these five prisoners are confined. The remainder are confined in single cells of half the above size, two in each cell. The cells are well lighted, admirably well ventilated, and well heated by means of steam. Each is provided with a water faucet and a close stool, so arranged that perfect cleanliness is insured and the escape of effluvia prevented. Gas is also introduced into each cell, of which the prisoners have the privilege till 10 p. m. The prisoners are allowed to exercise in the prison yard for three hours daily. The food is the ordinary prison diet, is good, and well cooked, consisting of bread, coffee, fresh beef, soup, and vegetables. The medical director of the district has made a contract with the surgeon of the prison, Dr. J. Rogers, to attend the prisoners of war, providing his own

medicines, for the sum of $50 per month. This officer appears to be perfectly competent and to perform his duties well. No hospital room is specially provided for the prisoners, but the surgeon informs me that as yet none has been needed, no sickness of consequence having occurred. In case of necessity, it is proposed to use one or more of the double cells for hospital purposes, for which they are very well calculated. The prisoners are contented and admirably well cared for. They are clean both in person and in clothing, there being a steam laundry attached to the prison. In conclusion, I would say that in my opinion the condition of these prisoners of war is excellent and could not well be improved.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

WASHINGTON, D. C., *November 7, 1863.*

Col. W. HOFFMAN,
Third U. S. Infantry, Commissary-General of Prisoners:

SIR: I have the honor to inclose my report of medical inspection of Camp Chase, near Columbus, Ohio, October 31, 1863. I have the honor to report that I also visited the Ohio penitentiary at Columbus, where John H. Morgan and a number of his officers are confined. I was refused admission by the warden of the prison on your order, and was referred to General Mason, commanding the district, for the required order. This, considering it as a contravention of your circular, I declined doing, and consequently was unable to inspect the quarters of the prisoners there confined.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of Camp Chase and hospital near Columbus, Ohio, October 31, 1863; A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Officer in command—Colonel Wallace, Invalid Corps; of division for prisoners of war, Lieut. Col. A. H. Poten, Invalid Corps; of division for paroled prisoners, Captain Davis, Eighty-eighth Ohio Volunteers. Location—four miles west of Columbus, Ohio. Command and strength—prisoners of war, rebel soldiers 2,072, civilians 131, females 2; total 2,145; Federal paroled prisoners, 38; exchanged men, 306; guard, 626, Invalid Corps. Topography—land nearly perfectly flat. Drainage—very bad. Prison buildings—very good, except in ventilation, which is only provided for by door and two small windows in each barrack. Wards—hospital, one, utterly insufficient in capacity, poorly ventilated, and in need of repair. Capacity—for prisoners of war, 3,000; Federal paroled prisoners, 3,000; prison hospital, 25 patients; paroled, prison hospital, 100 patients. Number of patients—prisoners, 15; paroled prisoners, none. Patients, condition of—tolerably good. Blankets and bedding—sufficient and clean. Police of hospital—not very good. General condition of prisoners—good. Ventilation—utterly unprovided for in barracks; insufficient in hospital. Warming—sufficient, by stoves.

Fuel—wood. Lighting—lamps. Lavatories and baths—no bathing facilities provided. Laundry—facilities sufficient except from lack of water. Water supply—from wells, insufficient in prison No. 1; water poor, strongly alkaline. Sewerage—utterly inefficient. Latrines and sinks—excavations well covered in, not drained, not disinfected, not kept properly policed. Furniture and utensils—sufficient except bedsteads in hospital, which are of wood and infested with vermin. Bedding—sufficient and in tolerably good order. Kitchen—partitioned off from hospital ward, not in good order or well policed. Kitchen utensils—insufficient and not kept in good order. Cooks—cooking and serving said to be inspected daily by surgeon in charge; cooking done by prisoners detailed for that purpose. Diet, quality and variety of—ordinary diet, varied by purchase from hospital fund of chickens, eggs, butter, vegetables, &c. Means of supply—commissary and hospital fund. Dispensary—kept in pretty good order by a prisoner acting steward. Instruments and medicines—sufficient and in good order; compounding, dispensing, by prisoner acting as steward. Hospital stores and comforts—sufficient; obtained from medical purveyor. Hospital records—well kept. Hospital accounts—articles purchased from hospital fund, invoiced. Hospital fund—on hand September 30, 1863, $78. Hospital clothing—supply of underclothing insufficient for cleanliness. Laundresses and laundry—washing done by prisoners. Repair—hospital building needs much repair. Alterations and additions—additional hospital accommodation should be provided for at least 150 patients. Medical attendance—sufficient; surgeon in charge, Actg. Asst. Surgeon A. L. Fitzpatrick. Discipline and police—discipline good; police not well enforced. Nurses—men prisoners. Interments—by contract. Diseases, prevalent—diarrhea, pneumonia. Diseases, prevention of—would be better secured by proper attention to ventilation and drainage. Recoveries from diseases—ready. Mortality from diseases and wounds—for last three months average 2 per cent.

In reference to this camp there is nothing to be complained of except its imperfect drainage, the non-ventilation of the barracks, and the insufficiency of hospital room. The commanding officer promises to improve the drainage by employing the prisoners for this purpose. The prison fund September 30, 1863, was $4,046.60. From this a requisition for clothing to the amount of $4,000 has just been made. In the division set apart for the reception of Federal paroled prisoners I found the barracks to be of the same pattern as those for the rebel prisoners. The division is generally in good order, except that for some unexplained reason no sinks are provided, and as a consequence the immediate vicinity of the camp is not in a very good condition as to police. There are at present at this post but 38 paroled prisoners and 306 men who have been exchanged and are waiting for transportation to their various regiments. I could gain no information in regard to the fund. The hospital in this division will accommodate fifty patients, and is in very good order in all its departments. There are at present no sick in this division. There is no hospital fund, it having been all expended for the use of the hospital. No reliable invoice is kept of property purchased from this fund.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[NOVEMBER 7, 1863.—For report of Edward M. McCook, in relation to the treatment of Confederate prisoners captured at Anderson's Cross-Roads, Tenn., October 2, 1863, see Series I, Vol. XXX, Part II, p. 819.]

[Indorsement.*]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, November 30, 1863.

Respectfully referred to D. G. Reed, major, Provisional Army, C. S., through commanding officer Johnson's Island, with copy of General Orders, No. 16, of 1863, from headquarters Department of the Cumberland.

Major Reed may think himself fortunate in getting off as well as he did, with the very slight punishment of which he complains (even if his statements are true), instead of receiving that which he and the rest of the "choice collection gathered in" at Anderson's Cross-Roads so richly deserve.

By order of Major-General Thomas:

WM. D. WHIPPLE,
Brigadier-General and Assistant Adjutant-General.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 7, 1863.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: In your communication of October 27, you state "that General Orders, Nos. 49 and 100, were not sent to you at the same time." I forward you herewith a copy of Lieutenant-Colonel Ludlow's letter, inclosing to you the two orders mentioned, and bearing date May 22, 1863.†

These two orders announced general rules based on the usages of war, which, in the absence of any specific agreement between belligerents, should govern in paroling prisoners of war; but in this case a cartel had already been agreed upon, and no order of either party could set aside any of its provisions. For instance, a commander, on being captured, might under some circumstances give a parole for himself and his command without violating General Orders, No. 100 (which includes General Orders, No. 49); but unless the paroling was done at City Point, or other named place, it would be in violation of the cartel, and the paroles must therefore be set aside as invalid. No exception could be taken to this course by the party granting the parole, because the validity of the parole depends on a strict compliance with the provisions of the cartel; and when any other course is followed than that pointed out by that instrument, any claim based upon it must fail. Paragraph 130 of Order 100, which prescribes the duties which a paroled soldier may perform, is also to some extent set aside by the cartel, which restricts these duties to a much more limited field than the order. Paragraph 131 is also made inoperative by the cartel, because it could only apply to paroles not given at the points designated for delivery; all such paroles are by the cartel made invalid, and the paroling party could therefore have no pretext for claiming their recognition. If such a claim could be admitted, the effect at Gettysburg would have been to give to General Lee the privilege of placing his prisoners in our hands, to be delivered to him at our own charge at City Point, which is so manifestly absurd that even you cannot claim it. General Orders, No. 207, was intended simply to

* On McCook's report of November 7, 1863, published in Series I, Vol. XXX, Part II, p. 819.

† See Vol. V, this series, p. 690.

announce to the army that the irregular practice of paroling small squads of men and individuals, without rolls or other reliable evidence of any kind, which had very generally prevailed, must be discontinued, and that thereafter the cartel should be rigidly adhered to. This announcement had been made to the Confederate authorities through you.

There have been no "successive changes of purpose in the matter of paroles," as you assert, nor changes of any kind, except so far as to return to a strict observance of the cartel; and this is a change the propriety of which I do not think you can question.

The figures which I gave you in my letter of October 17 were not given as embracing all declared exchanged in General Orders, 167, of June 8, but only those which Lieutenant-Colonel Ludlow used to make up the balance due him after arranging that declaration with you. It was the declaration which Lieutenant-Colonel Ludlow made to cover this balance that you cite as the precedent which authorized you to announce so unexpectedly your declarations of September 12. The Eightieth Illinois, 311 men—not 400, as you say—was accidentally omitted from my letter, and by a clerical error Seventy-third Indiana was written Seventy-fifth Indiana. Paragraphs 5 and 6 of General Orders, 167, cover the troops referred to, and other paragraphs cover the captures mentioned by you. Any discrepancy in numbers declared exchanged at that time, on either side, is of little consequence, as up to the date of that order it is assumed that the exchange account was satisfactorily balanced.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

FLAG-OF-TRUCE BOAT,
Near Fort Monroe, Va., November 7, 1863.

Brig. Gen. Neal Dow wished me to lay before General Meredith the following statements of facts in regard to our soldiers at Belle Isle, which facts General Dow had obtained from personal observation and inquiry at the island when on Thursday of this week he visited it for the purpose of distributing the clothing and blankets which the United States Government sent to the soldiers. He declares that the soldiers on Belle Isle are suffering beyond endurance. There are 5,400 on the island, which is low and unhealthy. They have not tents, into which by crowding more than one-half can enter at all; the remainder sleep without on the bare ground without sufficient clothing and almost entirely without blankets. Many have no pants; many have no shirts; so of shoes; and almost every individual lacks some essential article of clothing. They are on half rations, have no fuel of any kind, no soap is issued to them; they are consequently very filthy, of necessity. They need socks, additional supply of blankets and clothes, unless exchanged soon; shoes, mostly 8, 9, and 10. They are dying at the rate of eight and ten daily now, and the rate must fearfully increase from this on. One hundred will die daily by January 1. The general says they ought to be exchanged if possible, or many, many lives will be sacrificed and the health of the most of the remainder impaired.

The above embraces the substance of what General Dow desires me to say to you, taken from my notes of his conversation.

I wish to add for myself, for I spent three days this week in one of the tobacco factories ("Scott's") with about 160 privates who were

wounded at Chickamauga mostly, and now nearly recovered, the others having been sent to Belle Island. I wish to state how they fare. The rations are, for each man, twelve ounces of bread and two to three ounces of beef or mutton in twenty-four hours, given about 1 o'clock each day, and nothing else; no stoves, no fuel, no light at night, no soap. They have no straw or bunks and very insufficient clothing and blankets; not one in four has a blanket. They have very generally bad colds and cough incessantly. They are not allowed to purchase anything. What they get is got by stealth from the guard, who charge them two or three prices for everything they buy for them. I paid $1 for a small six-ounce loaf, but they usually get such a loaf for 50 cents, which is double the price out in the city for bread a little smaller. But the most of the privates were robbed of their money and have to live on their rations. So much for the private soldier.

The following is the substance of what General Dow and the officers generally desired me to communicate to you in relation to the comparative treatment they and the rebel officers in the North receive. From notes of his conversation:

We receive twelve ounces bread daily, one-half gill rice, four ounces meat, vinegar and salt, one tallow candle to each room containing from 175 to 200 officers. They furnish stoves only for cooking purposes, and scarcely sufficient. We have to furnish our own cooking and table utensils, have to do our own cooking and rise very early, and then have no means of cooking more than two meals a day. We sleep on the floor without blankets (except as our Government furnishes them to us), are kept in close confinement in closely packed rooms, dark, deep, and insufficiently ventilated, though our windows have no glass in them. Now, we protest against the treatment their officers receive from our Government and we ask that they be placed in similar position until we and our men are better treated.

They would have sent a petition signed by every officer, but I thought it not safe to undertake to bring it through. They do not ask our Government to retaliate on the private soldier in captivity, but upon the officers.

Let me add, the officers who return South, whether they escape or are released, as the chaplains recently, almost uniformly misrepresent the treatment they receive and from it justify the treatment our officers receive.

Respectfully,

JOHN HUSSEY,
Delegate U. S. Christian Commission.

FLAG-OF-TRUCE BOAT,
Near Fort Monroe, Va., November 7, 1863.

General Dow makes the following suggestion, which, of course, will require to be handled with the utmost care and secrecy: That our Government send him $100,000 of the Confederate currency, which he understands our Government has in its possession, sealed up first in tin cans and they packed in other cans containing jellies, butter, molasses, solidified milk, &c., and all sent to him via the Sanitary Commission, or with its mark, with invoice of its agent, and he will distribute said money among the officers at the rate of $100 to each man and give the Government credit on pay-roll at the rate of $7 to $1.

Respectfully,

JOHN HUSSEY,
Delegate U. S. Christian Commission.

HEADQUARTERS CAMP OF INSTRUCTION, EAST TEXAS,
Near Tyler, Tex., November 7, 1863.

Maj. E. P. TURNER, *Assistant Adjutant-General:*

MAJOR: On the 27th of October I addressed a communication to Brig. Gen. W. R. Boggs, chief of staff, Department of Trans-Mississippi, relative to the prisoners of war now confined at this camp. General Boggs returned said communication and directed me to make the report to your headquarters, hence my object in writing. I have now at this camp over 500 prisoners, most of whom are perfectly destitute of clothing or shoes. I have made several attempts to procure lumber to build barracks for them from the post quartermaster, but have so far failed. The prisoners are now lying out, without any blankets, in the open air. The guard I have is insufficient for the number of prisoners, it only being one company of militia, numbering (from this morning's report) seventy-one men for duty. Not being furnished with wood sufficient, I am bound to make details to guard the prisoners when they are cutting their own wood. I have but one commissioned officer on duty with me, Lieutenant Ochiltree, of the Regular Army, who is at present acting adjutant of the camp. I would also state that while Capt. S. M. Warner was commandant of this camp he issued an order requiring all prisoners of war to turn over what money they had in their possession to Capt. J. Q. St. Clair, acting assistant quartermaster for this camp, subject to their order in small sums, when it met the approval of the commanding officer of the camp. Some of the money thus turned over is greenbacks, the remainder Confederate. I would simply ask if I should approve their orders for greenbacks.

Major, by giving the foregoing your immediate attention (as I will await instructions) you will greatly oblige me. Please state whether I shall make requisition to quartermaster for shoes and blankets for the prisoners. I should like much indeed for Capt. J. C. Kirby, assistant quartermaster, Tyler, Tex., to treat my requisitions for lumber, straw, &c., with respect.

I have the honor to be, major, your obedient servant,
THOS. F. TUCKER,
Major, Commanding Camp.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 8, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

SIR: I would most respectfully suggest that General Lee be removed from this fort to Johnson's Island or to some point where he will not be lionized as he is here.

No prisoner of ours, whatever his rank, receives such treatment in Richmond.

I am, general, very respectfully, your obedient servant,
S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Indorsement.]

WASHINGTON, *November 10, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: The Secretary of War wishes General Lee removed from Fort Monroe.

I would recommend that he be sent to Johnson's Island, where he can be placed on a footing with other prisoners of war on that island, and if the Government orders the rebel officers to be subjected to special treatment corresponding to that which the rebels extend to Union prisoners in Richmond prisons General Lee will be in a right position for sharing it.

Respectfully, &c.,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

LIBBY PRISON, *November 8, 1863.*

Colonel OULD, *Commissioner of Exchange:*

COLONEL: I have received a second consignment of blankets and clothing from my Government for our soldiers prisoners here.

When I distributed the last consignment I was not permitted to take any officers with me as assistants, consequently the labor was heavy and the work was not so satisfactorily accomplished.

I have reason to think that many things have not been accounted for.

I wish very much to take with me in distributing the clothing, &c., now on hand about six officers as assistants. Two of them captains and four lieutenants, all acquainted with the business, all, if wished, on their parole for the time.

I hope this may be accorded to me.

I wish to call your attention to the condition of the prisoners on Belle Isle.

Many of them, about one-half I am told, have no shelter, and have not sufficient food; have no soap, and, in short, are in a most wretched condition, suffering very much every way.

I entreat you to see that their condition is improved so far as it may be in your power.

I am informed that there are considerable bills of expense on the goods received for the prisoners and have been called on for payment.

I am at a loss to know why there should be charges in such a case.

The inclosed note* was handed to me at Belle Isle.

I hope you will consider favorably the case of the writer.

Respectfully,

NEAL DOW,
Brigadier-General, U. S. Army.

WAR DEPARTMENT, *Washington, November 9, 1863.*

Maj. Gen. E. A. HITCHCOCK, *Commissioner of Exchange:*

GENERAL: You will please report what measures you have taken to ascertain the treatment of United States prisoners by the rebels at Richmond, and you are directed to take measures for precisely similar treatment toward all the prisoners held by the United States, in respect to food, clothing, medical treatment, and other necessaries.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

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*Not found.

WASHINGTON CITY, D. C., *November 9, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: In obedience to your orders of this date, just received, I have the honor to report that on the 5th instant I directed General Meredith to "represent to Mr. Ould the suffering condition of our people in Richmond prisons, according to universal testimony, as beyond all parallel in the history of war," and I added:

It moves the indignation of our people against the authorities in Richmond who countenance or permit it.

Two days afterward, the 7th instant, I addressed a letter to General Meredith in the following words:

You will please call upon Mr. Ould for a statement of the ration issued to Federal prisoners of war in the South, and inform him that his report or statement on the subject will be considered and respected when the question of retaliation shall be forced upon the notice of the Federal authorities; and inform him that if he omits to furnish the statement requested, we shall feel obliged to use the best information on the subject within our reach, and fully justified in so doing.

With respect to that part of your instructions requiring me to subject rebel prisoners in our hands to treatment similar to that which our men receive in rebel prisons, I would respectfully represent that if the treatment of our people in Richmond prisons is such as rumor represents, it would result in an uprising of the prisoners against their guards at Camps Morton and Chase, and most likely at other places where the means of security are very slender. Human nature would not endure such treatment under an ordinary system of guards, and the prisoners ought either to be put under lock and key (as in penitentiaries) or on islands under the control of fortified batteries.

When I hear from General Meredith, in answer to my instructions as stated above, I shall report the result, and will then beg leave to request your further orders on the subject.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: In reply to the several letters of Mr. Ould, referred by you on the 3d instant, I have the honor to give you the following information:

My reply to Mr. Ould's inquiry relative to Major-General Trimble was intended to be very explicit and full, and to conceal nothing. I stated he was in U. S. hospital, Newton University, Baltimore, and that covered the whole case. I expected it to be understood that his treatment was the same as that of any other patient in the hospital, giving due consideration to his rank, and I did not think it necessary to say how he was not treated; but that Mr. Ould may have no doubt on the subject, I beg you will inform him that General Trimble has been at all times treated with all the consideration due to his rank and his position as a prisoner of war. He is now at Johnson's Island, where he receives the same treatment as other general officers in confinement at that place. If General Trimble had received but a small part of the

harsh treatment and shameful indignities which were heaped upon Generals Prince, Graham, and others while they were prisoners of war at Richmond, Mr. Ould would have abundant cause for his complaint.

Mr. Ould inquires for Alfred Stanly, who he states is said to be in the common jail at Washington, N. C., and I reply that I have no record of Alfred Stanly or any other prisoner at Washington, N. C. Mr. Ould supposes it is known whether Mr. Stanly is in confinement or not, the place of confinement being a matter of little consequence; but he is quite mistaken in this, because he does not seem to know, nor do I know, whether Mr. Stanly is a prisoner or not. After a careful examination of the records his name cannot be found, and yet it is possible he may be in some one of the prisons. It is no trifling labor to search the rolls of the past two years to find the name of a prisoner when nothing is given to guide one in the search. If Mr. Ould will give me some of the particulars of when and where he was arrested, and by whom, I will be very glad to have another examination made, and if he is not found it will not be for want of proper effort.

I have received no report of the capture of Acting Master David Nichols and seventeen enlisted men, taken off the Mississippi Passes in a U. S. vessel which they had captured. As soon as I can get the necessary information, I will answer Mr. Ould's inquiries on this point. Lieut. Col. W. J. Green was captured at Smithsburg July 4, 1863, not 1862, and he has therefore not been exchanged. Capt. J. W. Johnson, now at Johnson's Island, was first reported to this office from Saint Louis on the 11th of September, which was subsequent to the time when all exchanged officers and men at Saint Louis were ordered to be forwarded to City Point. His exchange is covered by General Orders, No. 10, current series, and he will be discharged immediately. Lieut. H. B. Garnett was ordered from Johnson's Island to City Point on the 23d of July last, but through some misunderstanding he and others with him were sent back from Fortress Monroe to Fort McHenry. On the 12th of August he was again ordered to City Point, and if he is now at Fort Norfolk he should be sent forward immediately. I think, however, it will be found that he is not there, and that the error is in his name having been placed on the list of officers still in our hands.

Particular pains have heretofore been taken to insure that all exchanged prisoners of war should be promptly forwarded for delivery, the orders specifying that rangers, guerrillas, &c., were to be included, and whenever there has been any failure it has grown out of some misunderstanding of orders, which has been rectified as soon as discovered. Mr. Ould speaks of many officers who are still held by us, and of many hundreds of men who have been declared exchanged now in confinement, especially at Saint Louis, and at some future time he proposes to furnish the names of such as have been reported to him. It would have better served the interest of those in whose behalf he speaks, and have been much more satisfactory to me, if he had furnished some of the names, or some other reliable proof, before he ventured to make a statement for which I believe there is no real foundation. There are probably now in our hands Confederate officers and men who have not yet been reported to this office, but the rolls will be sent in, and at the end of this month I propose to furnish you with a list of all officers held by us not heretofore reported. This is in fulfillment of the proposition I made some time ago to exchange such lists with Mr. Ould from time to time, and I have no doubt he will be glad to reciprocate the courtesy. I shall also have prepared a list of the deaths in our hospitals up to the

1st of December, as far as reports are received, which will be forwarded to you in the hope of receiving a similar one in return from Mr. Ould.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,

Washington, D. C., November 9, 1863.

Brig. Gen. S. A. MEREDITH,

Commissioner for the Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Your reference of a note of Captain Tyler of October 8, indorsed by Mr. Ould October 30, making inquiry as to reasons of Captain Tyler's close confinement, is received, and I have to say that Captain Tyler is in error in his reference to Captain Winder as having been held as a hostage for Captains Sawyer and Flinn. We hold no prisoners of war by the name and rank referred to. Captain Tyler, instead of Winder, was placed in close confinement at the Old Capitol by order of the General-in-Chief when General Lee was likewise so confined at Fort Monroe. I find upon inquiry of the commissioner for the exchange of prisoners that you have been informed that Captain Sawyer had been placed on a footing with other prisoners in Richmond, but nothing was said by Mr. Ould of Captain Flinn; upon which you were directed to place General Lee on the same footing with Captain Sawyer, so far as you had satisfactory information on the subject, and now I understand that Captain Tyler will be placed on the same footing as that of Captain Flinn. I will thank you, therefore, to make inquiry of Mr. Ould on this point, but with the understanding that if Captains S. and F. have been placed on a footing of other prisoners the grounds upon which they were closely confined have been abandoned; otherwise they may be reconfined or others may be closely confined in their stead. Ask Mr. Ould (in writing and obtain his answer in writing) whether the questions involved in the close confinement of Captains Flinn and Sawyer are to be considered as definitely settled, so that they will be treated in all respects as ordinary prisoners of war, and no others closely confined on the same ground upon which they were placed in close confinement.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,

Washington, D. C., November 9, 1863.

Brig. Gen. S. A. MEREDITH,

Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: As you may wish to refer to the letters of Mr. Ould to which I have replied in my letter of this date, I inclose them herewith. You are at liberty to send my letter to Mr. Ould as an answer to his inquiries, if you think proper. I have some of his papers yet to be replied to.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: Your letter of the 6th instant, reporting the existence of scurvy among the prisoners, and suggesting that vegetables be purchased for them, is received, and in reply I beg to say that it will be proper to purchase such vegetables as may be required, to be paid for out of the prisoners' fund. By the use of vegetables the saving of other parts of the ration will be increased, so that the cost will be to some extent refunded; but this is not a material consideration. As the prisoners are bountifully supplied with provisions, I do not think it well to permit them to receive boxes of eatables from their friends, and I suggest you have them informed that such articles will not hereafter be delivered. I have granted some permissions for these things, but hereafter I will say it is against orders.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: I have the honor to inform you that 1,800 prisoners of war will be forwarded from this city to Point Lookout to-day, and lest you may have a deficiency of force to guard them, you are authorized to detain the command which accompanies them until their place can be supplied by a permanent addition to your command. Please advise me by return of boat whether you will require additional guard, and what number of prisoners you have. Send a roll of this party as soon as practicable. Not knowing whether you have any spare tents, I have requested the clothing department to send by the boat tents for 3,000 men.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Col. C. V. DE LAND,
Commanding Camp Douglas, Chicago, Ill.:

COLONEL: I have the honor to acknowledge the receipt of your report of the 3d instant on the condition of Camp Douglas, and I am pleased to learn that the deficiencies heretofore existing are appreciated, and that all proper steps are being taken to bring about the reforms so much needed. I am aware that you have been embarrassed by the dilapidated condition of the barracks, fences, and other parts of the camp, as well as the many other things requiring your personal attention at the time you took command; but now that most of these evils have been remedied, or are in the way to be very soon, and your force has been materially increased, I hope your efforts to bring about a commendable state

of discipline and good order in the camp in every branch of the service will be attended with immediate and complete success.

The Farmer boilers are in use in several camps under my charge and are found to be the most convenient mode of cooking, and if they have failed at Camp Douglas it is because those who used them did not want to succeed. A sixty-gallon boiler, which will cost $25 to $35, will cook for 120 men, with a very small supply of wood, and there can be no plan so cheap. By this mode the cooking is all done alike, at the same time, and by two or three men, while by your plan the very thing I wished to avoid is encouraged, viz, the use of camp-kettles, pots, frying-pans, &c., and the presence at the range of a crowd of men cooking for themselves.

The contractors, I know, are very willing to furnish ovens to bake corn bread in because it adds very largely to their profits, but I do not wish this practice to be continued. When prisoners of war were at Camp Douglas a year ago I failed to have my orders in relation to the mode of cooking and saving rations obeyed, and in consequence, instead of having a fund of $10,000 to $20,000, there was $1,000 collected, and now I must insist that my instructions shall be strictly carried out. You will make your issues of rations according to the scale I have furnished you, and the balance will make up the prisoners' fund. With this you will furnish Farmer's boilers, putting a few in use at a time. The sixty-gallon size I think has been found to be most convenient, but you may find it advantageous to have some of smaller size. Take away all other cooking utensils, and then there will be no failure to cook with the boilers. For your bread, make a contract with a baker in Chicago to take twenty ounces of flour and return you eighteen ounces of bread, by which you will save two ounces on each ration. Put the ovens in order as soon as you can, employ a good baker at $75 to $100 a month, and detail three or four assistants from your command, and some prisoners, allowing them extra pay, and you will make a saving of $200 or $300 a month. Once or twice a week you can permit the baker to furnish corn bread in place of wheat bread, and when your ovens are in repair you can bake it yourself. The contractors must not be consulted on this subject, nor must they be permitted to offer any advice. I depend on you, colonel, to put my plans into successful operation. If there is any obstacle in the way, which I do not anticipate, report to me at once.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: Your letter of the 31st ultimo, with the inclosed letter of Major Scovill, dated the 1st instant, was received on the 6th. The last three or four lines of your letter express a very commendable determination. As to what is contained in the rest of the letter, there is very little that meets my views. The Navy Department does not anticipate that there will be any necessity for the Michigan to leave her moorings near the island during the winter, and if there be none, all your arguments based on her removal do not apply to the case. You apparently give your own impression of what the steamer can do without having consulted her commander as to what can be done. It occurs

to me that if the blockading fleet, even the monitors, can lie off Charleston in a norther, the Michigan will have no difficulty in lying in any part of the landlocked bay of Sandusky. You seem to have overlooked that part of my letter which directs you to confer with Captain Carter and arrange with him for the secure guarding of the prisoners. When I am informed by the Navy Department that the Michigan cannot lie during the winter where she can be of any service to you, I shall ask for an additional force to guard the prisoners.

You speak of the arduous services of your command. If you put one company with its officers on guard every day, it would only be light garrison duty, and to make this duty lighter cannot be urged as a good reason for increasing the guard. I have no more confidence in the reports of revolt you hear this year than I have of similar reports made to you last year. Then their hope of success depended on aid from the outside, and the addition of a very inferior company to the guard seemed to render the attempt hopeless. Your suggestion that after crossing to the mainland the escaped prisoners will be within two days' march of Detroit River and Canada is hardly well founded. It is at least fifty miles to the nearest point on the Maumee where they could cross it, and unless they take the highroad through a swampy country, and from that river to the nearest point on the Detroit River, it is at least twenty miles farther, making seventy miles, and it is quite impossible for any set of men, under the circumstances in which the prisoners would be placed, to make that distance through such a country in the winter time, when the ground is covered with snow, in two days. I doubt if one-fourth of them could make that journey without assistance if you were to invite them to go. Is there any possibility of their making the attempt when they are sure to meet enemies at every step of the way?

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, November 9, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I am in receipt of the within from headquarters Cincinnati:

Lieutenant-Colonel Smith, military commander, Detroit, telegraphs that he has reason to believe that within a few days an attack will be made upon Johnson's Island to release prisoners, and that a boat for that purpose has been purchased at Montreal, &c. Communicate with Colonel Smith and keep these headquarters posted. Acknowledge receipt.

By command of Brigadier-General Cox:

G. M. BASCOM,
Assistant Adjutant-General.

The Michigan lies on the Sandusky side. The captain says his orders send him there, and that he does not feel safe to lie off the island. I shall do all I can under any circumstances. I have no great fear of this matter, but I know these prisoners do not intend to stay here, and you may expect anything desperate. Please advise me of the determination as to the increase of force.

Very respectfully, your obedient servant,

W. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Surg. GEORGE SUCKLEY,
Acting Medical Director, Baltimore, Md.:

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, asking attention to the fact that there are a number of medical officers held as prisoners of war at Fort Delaware and other places, and inquiring if steps cannot be taken to stop the practice of treating surgeons as prisoners of war. By the usages of war medical officers are considered non-combatants, and are not made prisoners of war, but by the course pursued by the rebel authorities the War Department has been obliged to follow the precedent set at Richmond, and to hold in possession all such officers who fall into our hands. You need not doubt, however, that the more humane practice under the usage of war will be returned to at the earliest moment when it can be done without sacrificing the rights and interests of our medical officers. From recent occurrences I am under the impression this desired change will not be delayed much longer.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 9, 1863.

Col. G. W. KINCAID,
Commanding Military Prison, Alton, Ill.:

COLONEL: Messrs. Roswell Marsh, S. W. Bostwick, and B. S. Cowen have been appointed special commissioners by the Secretary of War to hear and determine the case of state prisoners at the military prison under your charge, and you are required to furnish them all proper facilities for carrying out their instructions.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS MILITARY PRISON, CAMP MORTON,
Indianapolis, Ind., November 9, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to submit the following report of the condition of the camp, the strength of the guard, its discipline, the condition of the barracks, &c., at the time of my taking command. I found quartered in Camp Morton two regiments of exchanged soldiers, the Fifty-first and Seventy-third Indiana Volunteers, belonging to Colonel Streight's brigade, captured at Rome, Ga., last spring, their officers still being held as prisoners of war at Richmond, Va. These regiments were doing the guard duty of the camp, and, although composed of good material, were to quite an extent demoralized as the result of having been captured and paroled. The want of a sufficient number of commissioned officers was also a cause calculated to render them insufficient to perform a duty so important as that required of a

guard at this post, there being but 7 commissioned officers to a command of 1,300 men, and these had all been commissioned since their capture. Under the above circumstances, I found the guard in no very high state of discipline. The detail for guard each day amounted to 141 non-commissioned officers and men, with a part of the time a commissioned officer in command, and at times, owing to the limited number of commissioned officers, a sergeant was placed in command of the guard. I found the barracks in a bad condition, wanting extensive repairs in order to render them fit for occupancy during the winter. The buildings used for hospitals, not having been built for that purpose, were insufficient in extent and appointments for the purpose for which they were used. New and commodious hospitals are at present being erected for the accommodation of the sick. Repairing of the barracks had been commenced by Captain Guthridge, former commandant, which are now being continued, and when completed will be capable of accommodating 3,000 prisoners. The policing of the camp, owing to a scarcity of officers, had not been as thorough as it should have been. This is also being remedied. I found the prisoners generally supplied with necessaries, though in a poor state of health. The cause I am unable to determine, as our own troops quartered near them and equally crowded enjoyed excellent health. Since taking command I have increased the guard to 160 men, and, now that I have had three additional companies of the Invalid Corps assigned to my command, I have increased the guards and patrols to 200 men, which I trust will prove an effectual guard. I would suggest that, could my command be armed with revolvers in addition to the musket, the guard would, in my opinion, be much more efficient, and could be performed with a less number of men.

All of which is respectfully submitted.

I have the honor to be, very respectfully, your obedient servant,

A. A. STEVENS,

Colonel Fifth Regiment Invalid Corps, Commanding.

CAMP GROCE, TEX., *November 10, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I beg to call your attention to the following statement:

While in command of three companies of Forty-second Massachusetts Volunteers, at Galveston, Tex., January 1, 1863, I was captured with my entire command by a greatly superior force of the enemy under the immediate command of Major-General Magruder. At the time of my capture all officers taken by the Confederate Government were held in close confinement, which order has been observed in my case and that of my officers. Since then several cartels have been opened and prisoners exchanged. The officers of the U. S. ships Harriet Lane and Morning-Light, taken January 1 and 21, 1863, have also been confined with us, and no action has been taken for our exchange that we can learn of. We have sent statements of our condition to Major-General Banks and to Rear-Admiral Farragut, with no success whatever. Subsequently several other officers, naval and military, have been sent here who express great surprise that we have been so long overlooked.

It is useless after so long a confinement to describe our present condition. We were all nearly destitute of money when captured. Two officers have died of my command and many are sick and prostrate from acclimating fevers and other diseases incidental to the climate and

long tedious confinement with no hopes held out for release. We are informed here that it is the fault of our own Government that we have not been exchanged. We hope that this will receive your attention in such a manner as will save the lives of those who remain.

It is now over a year since my officers left their homes, during which time they nor their families have received any pay whatever from their Government, while others who have been recently captured, we see by the public papers, have been promptly exchanged.

Very respectfully, your obedient servant,

ISAAC S. BURRELL,
Colonel Forty-second Regiment Massachusetts Volunteers.

WAR DEPARTMENT, *Washington, November 10, 1863.*

Brigadier-General MEREDITH,
Commissioner of Exchange, Old Point Comfort:

Information has reached here which leads the Department to fear that there was a lack of proper provision on the flag-of-truce boat conveying the prisoners of war recently sent from City Point to Annapolis for their proper care and comfort. The Secretary of War desires an immediate examination into the subject and a prompt report thereon. The officers responsible for any neglect will be specially named.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

WASHINGTON, *November 10, 1863.*

General MEREDITH:

The Secretary of War orders that you make suitable preparation for the accommodation of the sick who may be delivered to you at City Point from the rebel prisons. For this purpose you will obtain, by requisition upon the proper department, cots, bedding, and other supplies, and ask the commanding officer at Fort Monroe, by authority of the Secretary of War, for a medical officer to accompany the flag-of-truce boat to City Point, and require his co-operation with you in seeing that everything is provided necessary to give every possible relief to our suffering officers and soldiers.

E. A. HITCHCOCK,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 10, 1863.

Surg. A. M. CLARK,
Actg. Medical Inspector Prisoners of War, Washington, D. C.:

SIR: You will proceed immediately to make an inspection of the condition of the hospital at Camp Parole and the general sanitary condition of the camp. From Camp Parole you will proceed to Fort Delaware to inspect the hospital of the prisoners of war at that post and the general sanitary condition of the prisoners in the barracks. Inquire particularly into the prevalence of smallpox and the measures taken to subdue it. Having completed this service, you will report in person at this office and make a written report of your inspection.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 10, 1863.

Col. JOSEPH ROBERTS, *Commanding Fort Monroe, Va.:*

COLONEL: By direction of the Secretary of War you will please send General W. H. F. Lee, a prisoner of war at Fort Monroe, to the depot on Johnson's Island, near Sandusky, Ohio, place him in charge of an officer and three men, and give particular instructions to insure that he shall not escape, and order that he shall be permitted to have no intercourse with any person on the way. If there is any delay at Baltimore in waiting for the train, let the officer in charge apply to the provost-marshal, Colonel Fish, for a place where General Lee may be held in security. Send them by the Pittsburg route.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

COLUMBUS, *November 10, 1863—6.30 p. m.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

Apprehensions are felt of an attempt to release the prisoners at Johnson's Island by armed steamers from Canada. I have requested the Secretary of the Navy to send the steamer Michigan at once to that place. Please see him.*

DAVID TOD,
Governor.

OHIO PENITENTIARY, *Columbus, November 10, 1863.*

Brig. Gen. JOHN S. MASON,
Headquarters U. S. Forces, Columbus, Ohio:

GENERAL: Please do me the kindness to forward the inclosed documents to Hon. E. M. Stanton, Secretary of War, and very much oblige,

Yours, respectfully,

JNO. H. MORGAN,
Brigadier-General, U. S. Army.

[Indorsement.]

NOVEMBER 30, 1863.

If the reports are true of the escape of Morgan no further action on these papers is necessary.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Inclosure.]

OHIO PENITENTIARY, *Columbus, Ohio, November 9, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I respectfully request your early consideration of the papers herewith inclosed.

On the 26th of July I surrendered myself a prisoner of war to a detachment of the military forces of the United States and was by order of the commanding general of this department confined in the

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*For other correspondence on this subject, see Series I, Vol. XXIX, Part II, p. 457, and Series III, under dates November 11–14, 1863.

common jail at Cincinnati. I felt it my duty to protest against such treatment as unusual, extraordinary, and contrary to the practice of both the United and Confederate States. In reply I received a communication, a copy of which is herewith inclosed and marked No. 1, from Major-General Burnside, to which I beg leave particularly to call your attention.*

General Burnside further informed me personally that Colonel Streight and the officers of his command were confined in the penitentiary at Richmond, and he explained the term "release" to mean the restoration of the above officers to the ordinary footing of prisoners of war. On the 30th of July I, together with such of my officers as accompanied me, was transferred by the military authorities to the custody of the directors and warden of this penitentiary. We were subjected to the same treatment which convicts usually undergo upon entering the institution. Our beards were shaved, our hair closely trimmed, our persons bathed, and we were notified that we were expected to conform to the strict discipline of the prison.

How rigidly it has been enforced will appear in the fact that two of my officers have been confined in the dungeon—twenty-four hours in one instance and forty in the other—upon suspicion of an offense unknown to the regulations of any military prison or any system of military law.

The rigorous confinement to which we have been subjected beginning to tell upon the health of my comrades, and our liability at any moment upon suspicion and without reasonable evidence to undergo the severest punishment which Christian humanity ventures to inflict upon the most abandoned felon, induced me to bring the matter to the notice of General Mason, the military commandant at this point, in a communication, a copy of which I herewith inclose, marked No. 2, and to which I respectfully call your attention.†

I have also the honor to inclose you General Mason's reply.‡ It will be perceived that while he declares that "it is no part of his military duty to require more than our safe confinement in the Ohio penitentiary," he nevertheless insists that we shall be subject to and observe the rules and regulations for the government of that institution. Failing, therefore, to obtain any relief through General Mason, I have thought it not improper to appeal to yourself, as the highest military authority, for such amelioration of our condition as all the circumstances of the case seem to merit.

If it be true that Colonel Streight and the officers of his command are now in confinement in any penitentiary within the Confederate States, under similar conditions and circumstances with ourselves, while I might regret that such a policy should be resorted to on either side, I should not fail to recognize our treatment as justifiable as a measure of retaliation, but if such be not the case I respectfully suggest that the same justice requires that we should be transferred to a military prison, where "the same favors that have always been shown to the prisoners taken by the general commanding will be shown us."

I have the honor to be, sir, your very obedient servant,

JNO. H. MORGAN,
Brigadier-General, C. S. Army.

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* Larned to Morgan, July 29, p. 158.
† Morgan to Mason, October 31, p. 448.
‡ November 3, p. 461.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., November 10, 1863.

Brigadier-General CHALMERS,
Commanding Cavalry Northern Mississippi:

SIR: I have received a verbal communication through Lieutenant O'Kane in relation to exchange of Surgeon Beatty. You are of course aware that even under the cartel of exchange the delivery must be made at fixed points, except by arrangements entered into by commanders of armies in the field. This would, of necessity, require the action of your commanding general.

But, unfortunately, this matter of exchange has recently been complicated under mutual charges of bad faith, so that I am precluded from entertaining propositions of exchange.

I have, however, telegraphed to Washington for permission to exchange rank for rank, which, if allowed there and consented to by your superiors, will enable me to gratify your wish of exchange.

In the meantime I desire to return you my personal thanks for the honorable treatment you have given my officer and my hope that you will see that kindly treatment is given to the men.

I am, sir, your obedient servant,

S. A. HURLBUT,
Major-General.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, November 10, 1863.

Brig. Gen. JOHN H. WINDER, *Richmond:*

GENERAL: Your communication of yesterday in relation to the failure of the Commissary-General to provide food for the prisoners has been submitted to the Secretary of War, who directs that unless you receive during the morning notification of some arrangement on the part of the Commissary-General promising a supply of rations as agreed upon, the matter be brought again to his attention, when any necessary orders will be given.

Very respectfully,

LARKIN SMITH,
Assistant Quartermaster-General.

[First indorsement.]

QUARTERMASTER'S OFFICE, C. S. MILITARY PRISON,
November 11, 1863.

I have just returned from the prison and find we have not one pound of meat on hand for 13,000 men. An officer in the Subsistence Department promised us an answer at 2.30 o'clock yesterday; was called upon at that time and gave no satisfaction.

J. WARNER,
Captain and Assistant Quartermaster.

[Second indorsement.]

NOVEMBER 12, 1863.

To Commissary-General for early attention.

Such supply as is given to soldiers is by law required to be given to the prisoners, and such was the understanding between the Quartermaster-General and yourself.

J. A. SEDDON,
Secretary.

QUARTERMASTER'S OFFICE, C. S. MILITARY PRISONS,
Richmond, Va., November 10, 1863.

Capt. THOMAS P. TURNER,
Commanding C. S. Military Prison:

CAPTAIN: I called on the agent of the Commissary-General to-day for a supply of beef for prison subsistence, and he informed me that they had received seventy head of cattle last evening, which was to be distributed to hospitals, &c., and all that he could furnish me with would be a limited quantity, 2,500 pounds, and also expressed a doubt as to their receiving any more soon. This places me in a very critical situation, for it will be an utter impossibility to feed 14,000 men on 2,500 pounds of beef when it is but one-fourth of the amount required. I have no substitute for beef and only a limited quantity of bread, not enough to feed double rations, nor are our facilities such as to feed double rations of bread, thus leaving three-fourths of the prisoners in a hungry condition.

I have the honor to be, captain, your obedient servant,
SAML. BURNHAM,
Commissary-Sergeant.

[First indorsement.]

C. S. MILITARY PRISON, *November 10, 1863.*
Respectfully referred to headquarters.
By order of Captain Turner:
[JOHN LATOUCHE,]
Lieutenant and Adjutant.

[Second indorsement.]

NOVEMBER 10, 1863.
Respectfully referred to the Secretary of War.
If these prisoners are not fed there is great danger of an outbreak.
JNO. H. WINDER,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF TRANS-MISSISSIPPI,
Shreveport, November 10, 1863.

Major-General MAGRUDER, *Commanding District of Texas, &c.:*

GENERAL: I am directed by Lieutenant-General Smith to say to you that he desires you will send all Federal prisoners (enlisted men) now held by you to this point at the earliest practicable moment. Before starting them they will be paroled in duplicate and one given to the person and the other held and forwarded by the officer sent in charge.

The officers you may have will be kept under guard until further orders. You will at the same time send the officers who were captured on the U. S. steamer Harriet Lane, and who were referred to in your communication (No. 811) of October 20.

I am, general, very respectfully, your obedient servant,
S. S. ANDERSON,
Assistant Adjutant-General.

[Indorsement.]

The officers of the Harriet Lane referred to within and the privates (enlisted men) within referred to will be paroled by Major Hyllested

and sent in charge of a company from Camp Groce to Tyler, where the enlisted men will be paroled in duplicate and will be marched with the rest to Shreveport and delivered at the headquarters of Lieutenant-General Smith.

The commissioned officers (Federal prisoners) at Camp Groce will be marched, under guard of the detached company aforesaid, to Tyler, and turned over there [to] the commanding officer for safe-keeping.

J. B. MAGRUDER,
Major-General, Commanding District of Texas, &c.

WASHINGTON, *November 11, 1863—4 p. m.*

General MEREDITH:

You are authorized to transmit any funds that may be furnished to you for the use of our prisoners in Richmond, taking a receipt from the person to whom you deliver them for transmission and sending a copy thereof to this Department.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 11, 1863.

Brig. Gen. W. W. ORME, U. S. Volunteers, *Washington, D. C.:*

SIR: The Secretary of War directs that you immediately proceed to make a thorough inspection of the several places named below where rebel prisoners of war are confined and report to him as to the supplies, means for guarding and keeping the prisoners, their sanitary condition, and everything relating to them which it may be useful to know. The several commanding officers of the posts and prisons are hereby ordered to afford you every facility and all information you may require. All necessary means of transportation and subsistence will be furnished you by the proper officer, on whom you may call, showing this as your authority.

The places to be inspected are: Wheeling, W. Va.; Pittsburg penitentiary; penitentiary hospital, Allegheny City; Columbus penitentiary; Camp Chase, Columbus, Ohio; McLean Barracks, Cincinnati, Ohio; Johnson's Island, Sandusky, Ohio; Camp Morton, Indianapolis, Ind.; Chicago, Ill.; Alton, Ill.; Rock Island, Ill. (no prisoners have yet arrived here, but preparations are made to receive them); Saint Louis, Mo.; Louisville, Ky.; Nashville, Tenn.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, *November 11, 1863.*

General MEREDITH:

The Secretary of War orders that you call, with his authority, through the commanding officer at Fort Monroe, upon the commissary for such rations as our prisoners need in Richmond or near there, if you can send it to them.

E. A. HITCHCOCK,
Major-General, U. S. Army.

WASHINGTON, *November 11, 1863.*

General MEREDITH:

Send forward to City Point an agent of the Sanitary Commission, if one should report to you, and aid him in the attainment of the humane object of the Commission, holding in reserve only the point of not compromising the Government. Afford the agent all of your facilities for intercourse with our suffering prisoners in Richmond.

E. A. HITCHCOCK,
Major-General of Volunteers.

WASHINGTON, *November 11, 1863.*

General MEREDITH:

You will please report upon the condition of the paroled prisoners recently [sent] from City Point to Annapolis, and report what convenience they had suitable for men in their condition on their way to Fort Monroe, and what, if any, assistance was given at Fort Monroe.

E. A. HITCHCOCK,
Major-General of Volunteers.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 11, 1863.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army, Washington, D. C.:

GENERAL: In view of the closer restrictions which may have to be placed on prisoners of war in a short time, I have the honor to recommend that three companies be added to the guard at the depot on Johnson's Island, near Sandusky, making seven companies in all, and that the whole be placed under the command of an energetic and reliable officer of senior rank to the present commander, Lieut. Col. W. S. Pierson. As the bay may be expected to be frozen over before the end of the month, it is necessary that orders should be given at once, so that the necessary accommodations may be made while the crossing is not interrupted by ice. The cheapest mode of quartering the companies will be to furnish them lumber and let them hut themselves.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, November 11, 1863.

Col. J. ROBERTS, *Commanding Fort Monroe, Va.:*

COLONEL: Since writing my letter of yesterday directing the transfer of General Lee to Johnson's Island it has been found advisable to defer the execution of the order for the present, and you will therefore please send him to Fort Lafayette, N. Y. Harbor.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 11, 1863.

Hon. M. BLAIR, *Postmaster-General, Washington, D. C.:*

SIR: I am informed by the commanding officer of the depot of prisoners of war near Sandusky, Ohio, that the prisoners there receive communications through the mails from Detroit, where it is said the rebels on the Canada side have a box at the post-office, from which they receive their mail through women or negroes, sent to take them from the box. I have the honor to lay this matter before you that you may order such measures taken as you may deem proper.

I have the honor to be, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 11, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The refusal to allow the remains of Capt. J. D. Stamps to be disinterred and brought to City Point seemed to be based upon the supposition that it would lead to intercommunication between the respective lines. This is by no means inevitable. I propose that the sad offices be performed by those who are already within your lines and who are friends of your Government. Can this be done? The same thing will be allowed on our side.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
November 11, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I accept your proposition of the 9th instant for the immediate release of all medical officers held as prisoners on both sides without reservation. Of course I understand that this proposition applies to future cases as well as those now in captivity. As soon as you forward our medical officers to City Point yours will be sent there. Am I right in my construction that this agreement applies to future captures?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

Col. R. H. Lee is now a prisoner of war in Washington. He was severely wounded in the battle of Kernstown in 1862. This wound and a chronic dysentery of several years standing has very greatly impaired his health, never strong, and he now writes that the air and confinement of his prison are making serious inroads on his strength. There is, in fact, every reason to fear that he cannot outlive a protracted confinement. It is earnestly hoped these facts may, in the opinion of the President, be sufficient to make Colonel Lee's case an exception to the policy which excludes special exchanges, and that the necessary instructions may be given the commissioner of exchange to that effect.

[First indorsement.]

NOVEMBER 11, 1863.

SECRETARY OF WAR:

The special character of this case would indicate the propriety of making it exceptional, and if we have an officer of the enemy whose health has suffered in like manner the proposition might be made and would seem to be most likely to succeed, as it assimilates itself to an exchange of wounded and does not promise to increase our efficiency immediately.

JEFF'N DAVIS.

[Second indorsement.]

NOVEMBER 11, 1863.

Colonel OULD:

I shall readily assent to a fair exchange if by that means this valuable officer can be released from his confinement. The officer proffered for a special exchange should be assimilated in rank and condition if a case of the kind likely to be acceptable to the enemy can be found among the prisoners held by us.

J. A. SEDDON,
Secretary.

[Third indorsement.]

NOVEMBER 13, 1863.

Respectfully returned to the Honorable Secretary of War. I have made the offer indicated in the indorsements.

RO. OULD,
Agent of Exchange.

[Fourth indorsement.]

Federal prisoners who may be offered for Colonel Lee:

1. Col. William H. Powell, Second West Virginia Cavalry, captured at Wytheville, Va., July 18, 1863. Is a native of Tennessee and a citizen of Ohio. Has lost an eye and was wounded in the shoulder.

2. Col. William B. McCreery, Twenty-first Michigan. Wounded at Chickamauga 20th of September. Is now nearly well of his wounds, but is permanently disabled, probably.

RICHMOND, *November 11, 1863.*

Hon. J. A. SEDDON, *Secretary of War:*

SIR: In obedience to your instructions I inclose the order* to Captain Turner to prepare the prisoners for transportation to Danville. I beg that the great responsibility resting on the officers in charge of the prisoners be remembered and that a sufficient supply of provisions be insured for their maintenance.

Respectfully,

JNO. H. WINDER,
Brigadier-General.

MEMPHIS, *November 12, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

We have some thirty prisoners taken by Chalmers. He proposes an exchange for his officers and soldiers in our hands. Can I do so?

S. A. HURLBUT,
Major-General.

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*Not found.

FORT MONROE, *November 12, 1863.*

Maj. Gen. E. A. HITCHCOCK:

Mr. Ould accepts the proposition to release all medical officers if the proposition applies to future cases as well as to those now in captivity. Please telegraph me and I will send a boat for the rebel medical officers in our hands.

S. A. MEREDITH,
Brigadier-General.

HEADQUARTERS FOURTH ARMY CORPS,
Chattanooga, Tenn., November 12, 1863.

Brigadier-General CRUFT,
Comdg. First Division, Fourth Army Corps, Bridgeport, Tenn.:

In accordance with instructions received from department headquarters the general commanding directs that you arrest as prisoners of war all men paroled at Vicksburg that may come or may be found within your lines, or that may be found by your command, and send them to Capt. R. M. Goodwin, assistant to the provost-marshal-general at Nashville, to be disposed as may be directed by the Commissary-General of Prisoners.

Very respectfully, your obedient servant,

J. S. FULLERTON,
Major and Assistant Adjutant-General.

FORT MONROE, *November 12, 1863.*

Capt. EDWARD A. FORBES, *Libby Prison, Richmond, Va.:*

SIR: I send by flag of truce this day 24,000 rations, the distribution of which I authorize you to superintend. You will please forward me receipts for the same. Should the Confederate authorities allow this course to be pursued in subsisting our prisoners I will consider your receipts as evidence of the fact and will keep up the supply.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Agent of Exchange.

[Indorsement.]

NOVEMBER 14, 1863.

Respectfully returned to Brigadier-General Meredith.

This letter will not be delivered to Captain Forbes. I have to-day in a letter informed you that the rations, including candles, will be served to your soldiers. The manner in which that is to be done will be governed by our regulations, not yours. If you are not satisfied with those regulations you can take back your rations and withhold any in the future.

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 12, 1863.

Col. A. A. STEVENS,
Commanding Camp Morton, Indianapolis, Ind.:

COLONEL: Your letter of the 8th instant is just received, and in reply I have to inform you that the clothing reported by you is such as

is intended for issue to prisoners of war, but before the coats are issued the buttons should be taken off and the skirts cut short, so they may not be mistaken for our men. But for the present you will issue no clothing of any kind except in cases of utmost necessity. So long as a prisoner has clothing upon him, however much torn, you must issue nothing to him, nor must you allow him to receive clothing from any but members of his immediate family, and only when they are in absolute want.

In reply to your letter of the 8th I have to say that the effects left by deceased prisoners of war will be taken possession of, the money and valuables to be reported to this office, and the clothing, if of any value, to be given to other prisoners who may require it. If the legal representatives of the deceased, being loyal, claim the money or other valuables, the claim with the proof will be forwarded to this office.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CHICAGO, *November 12, 1863.*

Col. W. HOFFMAN:

By Special Orders, No. 455, War Department, Colonel De Land with his command are ordered away from Camp Douglas. This will leave but 300 men to guard 6,000 prisoners. Stop this if possible. The camp would not be safe a day. All told fit for duty now, 950 men.

J. A. POTTER,
Assistant Quartermaster.

WASHINGTON, *November 12, 1863.*

Major-General GRANT:

Was any arrangement made between General Rosecrans and General Bragg by which prisoners on both sides were released on parole?

W. HOFFMAN,
Commissary-General of Prisoners.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 12, 1863.

Hon. ROBERT OULD, *Agent for Exchange, Richmond:*

SIR: I acknowledge the receipt of your communication of October 31. I would have been surprised at its contents had I not been previously acquainted with your habit of special pleading and of perverting the truth. In the last interview but one which I had with you you stated to me distinctly and unequivocally that you would make declarations of exchange whenever you conscientiously felt that you had the right so to do, for the purpose of putting men into the field. You made this statement not only once, but two or three times. In my previous interview with you I had taken the precaution to have verbal propositions of any importance made by you reduced to writing; on this occasion I refrained from my usual course, now much to my regret, as I will do you the justice to say that I have no doubt you have forgotten what occurred at that meeting.

The following extracts from two of your letters will probably serve to convince you that it is highly probable that while laboring under the excitement hinted at above you may have made the statement attributed to you. From your letter dated October 2, 1863, I take the following:

> I now inform you, in view of the recent declaration of exchange made by you, coupled with your failure either to agree to or decline the proposition made by [to] you on the 24th of August last in relation to paroles, that the Confederate authorities will consider themselves entirely at liberty to pursue any course as to exchanges or paroles which they may deem right and proper.

Again, in your letter to me of October 16 you stated as follows:

> I reserve to myself the right to make further declarations of exchange from time to time, based upon the paroles in my office, until I have declared exchanged a number of Confederate soldiers equal to that of Federal troops declared exchanged by your last notice.

In these two extracts you arrogate to your Government and to yourself the right to declare exchanges. Of course, a Government in as prosperous a condition as the Confederacy, with men in superabundance to put into the field, would not declare men exchanged for that purpose, nor would a high-toned, honorable gentleman, who has reserved to himself the right to declare exchanges, use that right with the idea of putting men in the field. Yet it is well known that many officers and men captured at Vicksburg were in the battle of Chickamauga. I deem it proper here to say a few words in relation to the 18,000 paroles which you state you have in your possession and which you claim as valid. You rest the validity of the paroles (which I have never seen, and which you acknowledge to have been accumulating for many months) on General Orders of the United States Government, Nos. 49 and 100. These two orders announced general rules based on the usages of war, but a cartel having been agreed upon, no order of either party could set aside its provisions (which I have stated to you on several occasions). For instance, a commander on being captured might under some circumstances give a parole for himself and his command without violating General Orders, No. 100 (which includes General Orders, No. 49); but unless the paroling was done at City Point or other named place it would be in violation of the cartel; nor could exceptions be taken to this course by the party granting the parole, because the validity of the parole depends on a strict compliance with the provisions of the cartel. Paragraph 130 of Order 100, which prescribes the duties that a paroled soldier may perform, is also to some extent set aside by the cartel, which restricts these duties to a much more limited field than the order. Paragraph 131, which you attempt to make so much of, is also rendered inoperative by the cartel, because it could only apply to paroles given at the points designated for delivery, but all such paroles are by the cartel made invalid, and the paroling party therefore has no pretext for claiming their recognition. Had such a claim been admitted the effect at Gettysburg would have been to give to General R. E. Lee the privilege of placing his prisoners in our hands to be delivered to him at City Point at our own charge, a claim so manifestly absurd that I am surprised that even you should have had the assurance to make it. Yet on precisely this ground rests the foundation for the 18,000 paroles which you claim as valid. Paroles on the field of battle, often given in haste by an enemy unable to take care of or receive them, are informal and invalid by the laws of war. Most of the paroles above mentioned were taken by guerrillas, bushwhackers, and detached commands in the West. No possession was ever had, no delivery was ever made, and no rolls have ever been furnished of those giving them. On

the capture of a town by a cavalry raid, the command remained long enough to take the paroles of the unarmed citizens there and then decamped, leaving the paroled men behind and forwarding the paroles to accumulate in your office in Richmond. Yet you have the assurance to say that you expect the United States Government to exchange prisoners legitimately captured in battle and now held in custody for such paroles as these.

It is well for you to write letters filled with well-figured indignation at any imputation upon the integrity or honesty of your Government or yourself for publication in the South, to delude the suffering people there into the belief that you and your Government are doing everything to cause a resumption of exchanges; but I feel it my duty to say that your principles are so flexible and your rule of action so slightly influenced by a sense of truth, honesty, or honor, that I find it almost impossible to arrive at any fair understanding with you on the subject, and all my efforts thus far, for the above reason, have been fruitless.

In your communication of October 27 you use the following language:

> I state that General Orders, Nos. 49 and 100, were not sent to me at the same time. I received General Orders, No. 49, long before No. 100 was delivered to me. Their respective dates will show that to be the fact. My own personal recollection is that General Orders, No. 100, was never communicated in a letter.

You then proceed to impress the public with an idea of your careful habits as follows:

> It is my habit faithfully to keep all letters written by the Federal agent of exchange.

But this most important letter happened to be mislaid, which intelligence you convey to the Southern public as follows:

> A careful search of the records of my office does not disclose any letter from Lieutenant-Colonel Ludlow communicating General Orders, No. 100.

On November 7 I sent you a copy of the letter hereto annexed, copied from Lieutenant-Colonel Ludlow's letter-book, but through fear that it might have met the fate of the original and miscarried I send it again:

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, Va., May 22, 1863.

HON. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: I have the honor to inclose to you copies of General Orders, No. 49 and No. 100, of War Department, announcing regulations and instructions for the government of the U. S. forces in the field in the matter of paroles. These, together with the stipulations of the cartel, will govern our Army. I would invite your special attention to article 7 of the cartel, which provides that all prisoners of war shall be sent to places of delivery therein specified. The execution of this article will obviate much discussion and difficulty growing out of the mode, time, and place of giving paroles. No paroles or exchanges will be considered binding except those under the stipulations of said article permitting commanders of the two opposing armies to exchange or release on parole at other points mutually agreed on by said commanders.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

It appears to me that you have been unfortunate on two occasions—first, in forgetting the statement you made to me, alluded to in the beginning of this communication, and, second, in your not having received the above letter. As communications between the agents of exchange go through but two hands (the assistant agents), it strikes me as a little extraordinary that out of hundreds the above should be the only one to miscarry.

The denials of facts which abound in your last letter, though they may have some weight in the South, will not avail to convince the people of the North that you are not utterly reckless of integrity and fairness, and full of finesse, in your declarations of exchange and the foundations you claim for them.

Respectfully,

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

NOVEMBER 12, 1863.

Capt. W. S. WINDER, *Assistant Adjutant-General:*

A. D. Streight, colonel in [Fifty-first] Indiana Regiment, a prisoner of war, had on his person when he arrived in Richmond a sum of money, which was taken from him and placed in the custody of the quartermaster. He claims this sum as private property, and I am directed to examine and report upon the validity of this claim. The sum is $2,612 in U. S. Treasury notes and $932 in Southern bank bills. Of this he received $100 in U. S. Treasury notes before the parcel was handed over to the quartermaster. The letter of General Forrest, which is filed, confirms the statement of Colonel Streight as to his receiving $800 of the U. S. notes. It was a sharp transaction, by which he shaved his own surgeons at the rate of 80 per cent., receiving from them Confederate notes, which he exchanged with General Forrest for U. S. notes at par. This amount of $800 is certainly private property. Whether the surgeons have any equitable claim to it is for them to settle with Colonel Streight.

As respects the remainder of the money there is no positive proof. All of the U. S. notes are stated by Captain Morfit, quartermaster, to be in the original packages, and not to have been in circulation. This is almost conclusive evidence that it is money belonging to the Government. Colonel Streight explains that he had $5,000 in Southern notes, which he purchased in Nashville to use on his expedition. He admits that he used it for the purposes of his command. He could have had no other use for it, unless he intended engaging in illicit trade unbecoming his position. He virtually admits that he was disbursing officer of his command, and he cannot now shelter himself behind the unsupported and improbable statement that he was advancing money for his Government out of his own means. He says that he received these notes from his quartermaster. This is very probable and is doubtless true. That he received it in repayment of his advances is very improbable.

For these reasons I think it proper to regard all the funds, except $800, as money belonging to the United States Government, and therefore liable to confiscation.

Of the $800, $640 is profit on his transactions with the surgeons and with General Forrest. The remaining $160 might be properly regarded as standing on the same footing with the other moneys, but from due respect to the terms of capitulation agreed to by General Forrest, I think it better to allow him to retain the whole sum of $800. I put the sum at $800, though Colonel S. claims that the proper amount is $850. General Forrest states the amount to be $800. I file a copy of what purports to be an order from the War Department at Washington. If this be genuine the Government would be warranted

in confiscating all of this money except the $800, even if it be decided that it is private property.

Colonel Streight asks to be allowed $100 in Confederate money per month. This is not unreasonable. I therefore recommend that Captain Morfit, assistant quartermaster, be ordered to credit Colonel Streight with $700 in U. S. Treasury notes ($100 having been received by Colonel Streight before the funds were transferred to Captain Morfit); that he pay him therefrom $100 per month in Confederate currency so long as he remains a prisoner, and that whatever may be left of the $700 at the termination of his imprisonment be then paid him; that the remainder of the funds taken from Colonel Streight be transferred to the credit of the Government as money confiscated. In making settlement with Colonel Streight he should be credited by the fair market value of his money.

Captain Morfit requests me to ask that he receive specific instructions as to the course to be pursued by him when considerable amounts are found on the persons of prisoners. Any general rule may work hardship in particular cases. I therefore suggest that Captain Morfit be directed to report for investigation every instance in which more than $500 is found on a prisoner.

Respectfully submitted.

I. H. CARRINGTON,
Commissioner, &c.

[First indorsement.]

NOVEMBER 16, 1863.

General Forrest stipulated when he accepted the capitulation that private property would be respected, and this stipulation relieves Colonel Streight from the forfeiture of his money, which might otherwise have very properly been enforced upon the principles announced in general orders of his own Government.

The question, then, is how much, if any, of this money is his. Mr. Carrington recommends that he be allowed $800 received of General Forrest without reference to the propriety of Streight's financiering with his own officers or General Forrest's liberality in exchanging Confederate for U. S. Treasury notes at par. I think Streight is entitled to the amount paid him by General Forrest. Streight says it was $850 and Forrest says it was about $800. I would accept Streight's own statement and credit him as Major C. proposes, with the $850, less the $100 already paid.

The residue was doubtless the property of his Government. It is extremely improbable that on such an expedition he would carry a large amount of private funds, and the circumstances indicate very clearly that he was supplied with notes of his Government to use as occasion required. His story is altogether improbable, not less as to the amount of private funds with which he left Nashville than as to the pretended acceptance by him during the raid of so much money from his quartermaster in payment of a debt due by his Government.

B. R. W[ELLFORD], JR.

[Second indorsement.]

DECEMBER 15, 1863.

Respectfully returned to General Winder.

The Department is satisfied that the money found on Colonel Streight was the property of the United States Government, and it will therefore be accounted for by the quartermaster who has it as the property

of the Confederate States by right of capture. Out of this amount, however, the quartermaster will retain for Colonel Streight's private use $750 in U. S. Treasury notes (making, with the $100 already paid to him, the full amount claimed by him as received from General Forrest, which the Department is willing to recognize as his private property), and pay to him, as he requests, in monthly installments of $100 in Confederate money; the balance, if any, to be paid him when exchanged. In making settlement with him he is to be allowed the fair market value of U. S. notes.

Captain Morfit will be required, as Mr. C. suggests, to report for investigation and instruction all cases in which more than $500 (Confederate currency) is found on the person of any prisoner.

As this matter may be the subject of discussion and remark, this report and accompanying papers had better be returned to be filed in this Department.

By order of Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

WAR DEPARTMENT, *Washington, November 13, 1863.*

Major-General BUTLER, *Fortress Monroe, Va.:*

There is an urgent necessity to provide in your department a suitable depot for rebel prisoners of war without any delay. I beg to recall the subject to your attention and ask you to take immediate measures to establish a depot at such point as you may deem suitable in your department, and inform me how soon you will be ready to receive prisoners of war and in what numbers.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *November 13, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

Telegram received. Will leave to-morrow morning to select a depot in accordance with our conversation. The rebel papers say that the U. S. prisoners are about leaving Richmond to be distributed through several prisons at the South.

B. F. BUTLER,
Major-General, Commanding.

FORT MONROE, *November 13, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

If you will send me two regiments of the Invalid Corps, I will be ready in ten days for any number of prisoners you may wish to send. I desire to have Brig. Gen. E. W. Hinks ordered to report to me immediately to take charge of the preparation for and charge of the prisoners. This is on the supposition that neither tents nor barracks are to be used for the prisoners. If required, I can erect the one and make a requisition for the other. I will report in full upon the place selected and the reason for selection to-morrow by letter.

B. F. BUTLER,
Major-General, Commanding.

RICHMOND, VA., *November 13, 1863.*

Honorable SECRETARY OF WAR:

By this flag boat I write the President very briefly, giving such information as may possibly be of some interest.* I hope you may see the letter. I have been behind the curtain in rebeldom.

The officers here are very earnest that rebel officers, prisoners, may be placed immediately on precisely the same level that we occupy. We sleep on the floor without blankets except as we obtain them from our friends. Only one of our rooms has glass; all the others, five in number, have open windows, free to the sweep of the northers.

We have one-half pound of corn bread (about) of unsifted meal and a little rice and two or three sweet potatoes a day each, and that is all. Yesterday I had eight potatoes; two of them were less than medium size, but good; the rest were worthless, being no larger than one's finger. We have water ad libitum. Our rations are that and no more and nothing else! Our captivity is aggravated by the knowledge that rebel officers in our hands have comfortable quarters, abundant and various rations of excellent quality. General Morgan's chief of staff, now exchanged for Lieutenant-Colonel Irvine, assistant commissioner of exchange, was here some time since and expressed his indignation at the treatment we received, remarking that they (rebel prisoners in our hands) made savings of their rations, with which they obtained butter, eggs, milk, &c. We entirely concur in the policy of treating the rebel soldiers kindly, but we entreat that officers may at once be subjected to the same treatment that we suffer. Such a course may possibly obtain for us some amelioration of our condition. Our captivity would be intolerable but for our purchases of necessaries, being more than $1,000 a day at enormous prices, everything costing us from 50 to 100 per cent. above market prices, and for the prospects in the immediate future, as we judge of them from the intelligence we obtain. Our officers are robbed of everything when captured, if not then, when taken into prison; money, clothes, all valuables, often of watches. We wish that the great amount of money taken from General Morgan, his officers and men, may not be restored to them, but employed to make good to our officers these losses. If we are to be detained here, to which we cheerfully agree if the interests of the country require it, we can use a considerable amount of rebel money, $100,000 for two months, for which the officers will pay at market prices about 10 per cent. The authorities here give 7 for 1. I believe I am the only general officer of the U. S. Army the rebels hold, while we have many of theirs. Perhaps you may think it consistent with the public interest to procure my exchange soon.

I am inclined to think that the starvation rations that we get are due to the extreme poverty of the rebel Government. I think meat cannot be had, either from its scarcity or from the unwillingness of the farmers to part with it for the currency. Probably both considerations are involved in the matter. Gold to-day is quoted at 150 per cent. (15 per 1); corn meal, $18 to $20; potatoes, $10.50 to $12; flour at wholesale, $110; sweet potatoes, $2.50 one-half peck; ducks, $7 to $8 apiece; everything else in proportion. You will see by this that the rebel currency is now very near zero, to which it will instantly fall upon a decided victory either in Virginia or Tennessee. The regular issue here is $50,000,000 a month, as stated by a Richmond paper. It is very easy to see that the rebellion cannot possibly run on much longer,

* Letter not found.

but must perish from mere inanition. The leaders are despondent at European prospects, and none of the papers talk now of certain independence, but rather of perishing under the fallen fabric of the Confederacy. The people will not perish if they can help it, but prefer to live happily as members of the reunited nation.

Very respectfully, your obedient servant,

NEAL DOW,
Brigadier-General, U. S. Volunteers.

P. S.—To-day indifferent and poor corn bread has been served to us. The entire ration is a piece of hoecake six by four and a half inches and one inch thick and one sweet potato, small size and poor quality, and water.

This will sustain life for a time, and that is all. It will not keep us in health, but will soon induce disease and expose us to pestilence. I see no prospect of improvement in our condition. To-day 700 of our men were sent off to Danville, Va., to relieve the market here. All are to be sent to different points soon for the same reason.

CHATTANOOGA, *November 13, 1863.*

Maj. Gen. J. B. MCPHERSON, *Vicksburg, Miss.:*

Release all the Vicksburg prisoners according to agreement. We will not violate good faith, if the rebels do. Parole the surgeons.*

U. S. GRANT,
Major-General.

CHATTANOOGA, *November 13, 1863.*

Colonel HOFFMAN:

COLONEL: I am informed by General Thomas that an arrangement was entered into between Generals Rosecrans and Bragg for a mutual release on parole of the wounded of both armies; that in pursuance of said arrangement there were paroled by General Rosecrans 1 brigadier-general, 1 captain, and 27 enlisted men of the Confederate army, and by General Bragg, 1 major, 11 captains, 39 subalterns, and 1,691 enlisted men.

U. S. GRANT,
Major-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 13, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

SIR: I have the honor to forward herewith the report of Maj. John E. Mulford, who had charge of the flag-of-truce boat which conveyed the prisoners of war recently sent from City Point to Annapolis. In this connection I deem it due to Major Mulford to state that I have found him on all occasions a careful, energetic, and exceedingly humane man, and I was much surprised to hear that reports detrimental to his reputation as such should have reached the War Department.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

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* See McPherson to Grant, October 26, 1863, Series I, Vol. XXXI, Part I, p. 748.

[Inclosure.]

FORT MONROE, VA., *November 13, 1863.*

Brigadier General MEREDITH,

Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: In compliance with your order I have the honor to submit the following statement in relation to certain prisoners of war recently brought from City Point, Va., under my charge:

On the 28th of October, 1863, I received on board steamer New York at Fort Monroe 185 convalescent Confederate prisoners of war, and at once proceeded to City Point, Va., where on the following day I delivered them to the Confederate authorities and received in return 183 sick and wounded U. S. prisoners of war and 5 citizen prisoners. Previous to receiving on board the Federal prisoners I caused the Confederate prisoners to be removed from the hospital and other portions of the boat which I designed to occupy and personally superintended as thorough a cleaning as time and circumstances would permit, after which and before I delivered a single man of the detachment I had in charge I received on board, under my own personal attention, every man of the Federal prisoners.

The wretched condition and appearance of our men enlisted the warmest sympathies of all on board my vessel, and both officers and crew rendered every attention in their power to the sufferers. Doctor Carey, the surgeon (who has been on this duty for the last twelve months), with his assistants, devoted their entire time and energies to the comfort and welfare of the prisoners during the eighteen hours they were on board my boat. Immediately after receiving the detachment on board I had rations of bread, coffee, and meat issued in unlimited quantities. The bread was in part soft and part hard. The soft bread was issued to the hospital patients by my individual instructions. The reason of our being short of soft bread on this occasion was in consequence of being unable to procure it at the commissary depot. My requisition was filled in part with hard bread.

The most feeble and delicate patients were provided with beef tea and other food suited to their situation. There was not on board when I received these men sufficient blankets to protect and render comfortable the entire detachment, but on my arrival at Fort Monroe I made arrangements for and procured all that were needed, and also received such supplies of food and medicine that was necessary for the trip to Annapolis, Md. I also telegraphed to the officer who receives prisoners from me at that point of the number and condition of the men under my charge in order to have suitable arrangements made for their reception. On my arrival at Annapolis early the next morning I found Doctor Vanderkieft, surgeon in charge, with his assistants, waiting to receive the men. They were tenderly and speedily transferred to his hospital, and our connection with them ceased.

I beg leave here to mention that I have a surgeon, acting hospital steward, and the requisite attendants detailed to me permanently on board the steamer, and the boat is kept well provided for the accommodation and transportation of prisoners, sick and wounded.

I am, general, very respectfully, your obedient servant,

JNO. E. MULFORD,

Major and Assistant Agent for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 13, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

GENERAL: I have the honor to forward you herewith the newspaper containing Mr. Ould's letter and a copy of my reply thereto. Also a copy of his letter accepting the proposition for the release of medical officers, and a copy of his letter relating to the delivery of the remains of killed.*

My letter has been forwarded to Mr. Ould.

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

WASHINGTON, D. C., *November 13, 1863.*

Major-General HITCHCOCK,
Commissioner for Exchange of Prisoners:

In behalf of citizens of the Northern States imprisoned in Richmond, Va., I wish to state that their position is in the highest degree uncomfortable and threatening to their health. Their food is better than that which the private soldier receives (for I was for three days and nights in a tobacco factory with our privates last week) and yet it is not sufficient, neither in quantity nor in quality. But though they suffer from hunger continually, they suffer more from cold. They have but few blankets, no beds, no bunks or cots; many of our citizens who have the means of living very comfortably at home lie upon the bare floor, often without any covering for weeks or months; their health suffers.

There are some who are kept as hostages for some certain ones of their citizens held by our Government; these, all but two, are at Salisbury, N. C., the two excepted are Friends or Quakers, who are held for two of their citizens, held, they say, by our Government. The number of our citizens (citizens of the Northern States) is unknown to me, but it is much less than the number of Union men and boys of the slaveholding States whom they hold for disloyalty to them.

A few weeks ago Mr. Ould informed a Northern citizen, a Mr. Alfred Brengle, of Frederick, Md., imprisoned in the same room with myself, that they had given orders to their cavalry to take a certain number of Union men—I believe 200—and we have noticed that the order has been at least partially executed, for many more Union men from Northern Virginia have been added to the number in the prison before. He (Mr. Ould) added that when they had secured the number they had ordered to be brought in they would have as many as our Government and then that our Government would be willing to exchange.

There are some half dozen or more sutlers and sutlers' clerks in the prison I was in. These men employed a lawyer (Humphrey Marshall) to secure their liberation—he had offered his services. He informed them he had succeeded in everything but in getting the consent of Mr. Ould to the arrangement. The latter, he said, proposed to let them

*See Meredith to Ould, October 17, p. 388; Ould to Meredith, October 20, p. 401; Ould to Meredith, October 27, p. 428; Ould to Meredith, October 27, p. 430; Meredith to Ould, October 29, p. 441; Ould to Meredith, October 31, p. 452, and Ould to Meredith, November 11, p. 501.

come in return for the first citizens our Government should send to them. Hearing this, Mr. Brengle, referred to before, asked an interview with Mr. Ould, and obtaining one received the reply from Mr. Ould that he would be sent also, if our Government sent any citizens down by flag-of-truce boat. We therefore understood and inferred, whether correctly or not, that Mr. Ould would, to a certain extent at least, be willing to exchange man for man. The scarcity of provisions among them is such that they might, without agreeing on any plan, be willing to make some exchanges, especially if our Government could begin by sending them some of those persons for whom they (the rebels) have already sent off hostages, such as Doctor Hamilton and Mr. Culbertson, of Pennsylvania, now at Salisbury, and Mr. Hollingsworth and Mr. Williams, of Loudoun County, Va., now in Castle Thunder, held as hostages for two our Government now holds. It would be better for some principle of exchange to be agreed upon, but each citizen rescued from such a hard and unhealthful imprisonment is so much done in the right direction and so much misery turned into happiness.

Of the soldiers, thousands will contract disease this winter which will be fatal to them sooner or later. Many are now sick, though not so considered. Before I left, from one warehouse many had been collected; among the number some only slightly sick, the surgeon making the remark in my hearing that if our boat brought any more sick they were going to send these he was removing back in return. But our boat brought none, and so none were sent. It would rescue many lives if all their sick, however slightly so, were exchanged for our own sick there; and this will apply to officers as well as privates.

It is no figure of speech to declare that our soldiers and citizens are dying by hundreds, and they will die by thousands, for they are contracting diseases which will be surely fatal to them sooner or later.

Will not our Government do something for humanity's sake which they would not do from other considerations?

There are in warehouse No. 2, for lost baggage in the city, many hundreds of overcoats and blankets, which it has occurred to me to suggest to be sent to Richmond for the further comfort of our soldiers and citizens there. I did suggest, which I add here, the sending of haversacks to the men. They need soap exceedingly, for they get none there, and in addition to all, if they are to be kept there this winter, they must have fire-wood, stoves, cooking utensils, and those on Belle Isle tents.

But if possible, as General Dow repeatedly said, "let them be exchanged." One other suggestion: If the matter of retaliation be entertained, treating their officers as they treat ours, would it not be more likely to effect the object desired, namely, the better treatment of our officers and privates, too, by proposing the alternative to their officers to petition their Government for a better treatment of our officers and men, and in case of their failing or refusing to commence retaliation in kind—but General Dow said, "not on the privates."

Excuse the length to which my feelings and the interest I have taken in this matter have prolonged my observations, for I have looked upon the sufferings and felt much of them for seven weeks, which I would see others rescued from, and I suffer yet from an incipient congestion of the lungs, which thousands have there in a worse form.

Respectfully,

JOHN HUSSEY,
Delegate U. S. Christian Commission.

WASHINGTON CITY, D. C., *November 13, 1863.*

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners:

SIR: I am not yet informed whether any, or how far, relief may have reached our unfortunate prisoners of war in Richmond and its vicinity under the orders of the Secretary of War to send supplies to them of both food and clothing.

Meantime it is proper and necessary that Mr. Ould should be notified, for the information of his Government, that whatever steps may have been or may be taken thus to extend relief must, on no consideration, be appealed to by the enemy to relieve him from the obligation to treat prisoners of war according to the laws of civilized warfare.

If, in other words, our prisoners in Richmond fail to receive such supplies as the laws alike of humanity and war require, the authorities in Richmond must be informed that it will not be considered a valid explanation or excuse for them to appeal to the fact, should it exist, that supplies from us have not reached them.

The action of our Government in this matter is dictated purely by humanity, and is only an effort to relieve our prisoners from suffering inflicted upon them contrary to the claims of both humanity and the laws of war, and must not be understood as relieving the authorities at Richmond from responsibility to the Christian world in the premises.

If the authorities in Richmond will send us these prisoners we will not only feed and clothe them, but will continue to supply food and clothing as heretofore to such prisoners as may be in our possession, and you will propose to Mr. Ould that in this case we will agree, without any reserve, to respect the parole they may give according to the laws of war, from which they shall not be relieved in view of past differences or pending questions on the subject of exchange without the previously obtained consent of the authorities represented by Mr. Ould, as agent for exchanges, under the cartel.

You will please lose no time in communicating a copy of this note, certified by yourself, to Mr. Ould, and will urge upon him its acceptance, as due to the most solemn considerations in the face of the civilized world.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

WASHINGTON, *November 13, 1863.*

General MEREDITH:

Send forward haversacks for the use of the prisoners.

E. A. HITCHCOCK,
Major-General.

FORT MONROE, *November 13, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

I learn through communication of Colonel Roberts that you desire General Lee to be sent to Fort Lafayette accompanied by officers and men from this corps. If you will send a request to me to that effect it will be done.

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 13, 1863.

Maj. Gen. B. F. BUTLER, *Commanding, Fort Monroe, Va.:*

By direction of the Secretary of War I request you will order General W. H. F. Lee to be sent to Fort Lafayette as per instructions to Colonel Roberts.

W. HOFFMAN,
Commissary-General of Prisoners.

FORT MONROE, *November 13, 1863.*

Col. WILLIAM HOFFMAN:

Telegram received. General Lee will leave to-night.

B. F. BUTLER,
Major-General, Commanding.

Report of inspection of barracks and hospital at Fort Delaware, Del., November 13, 1863, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Commander of camp—Brig. Gen. A. Schoepf, U. S. Volunteers. Command and strength—prisoners of war, enlisted men 2,846, commissioned officers 33, civilians 52, total 2,931; guard, about 800. Location of camp—on island in Delaware River, opposite Delaware City. Water, source and supply—partly by rain in tanks, partly by boat from Brandywine Creek, partly by condenser, capacity 10,000 gallons. Water, quality and effects—generally good. Fuel—coal and wood. Soil—marshy and wet, mostly made ground. Drainage—very imperfect, from topography of island. Topography—island, level, nearly six feet below high water, which is kept out by levee and sea-wall. Zymotic influences—the fort is surrounded by a moat and the island traversed by ditches emptying into main ditch encircling island; these are at present partially dry and exhaling miasmata. Police of camp—generally good. Discipline in camp—good. Duties in camp—policing barracks. Recreations in camp—exercise in barrack yard. Tents or huts, position—barracks on upper end of island. Tents or huts, pattern and quality—one story, raised six to twelve inches from surface, in good repair. Tents or huts, ventilation—roof ventilators and side windows, utterly insufficient with windows closed. Tents or huts, sufficiency—for about 8,000 prisoners. Tents or huts, heating—sufficient, by stoves. Sinks, construction—two platforms built out over river covered in by sheds. Sinks, condition and position—on western side of island; tide effectually removes excreta. Sinks, management—police good, kept well whitewashed. Removal of offal, &c.—emptied into river and carried off by tide. Rations—usual issue, sufficient. Cooking in camp and inspection of food—rations issued, cooked and eaten in mess-room; kitchen large and well appointed; mess-room to accommodate 1,600 at one time; both in very good order and well policed; cooking inspected by officer of day. Ovens—bread baked at post, quality very good; ovens permanent. Vegetables—sufficient quantities purchased from prison fund because of prevalence of scurvy. Cleanliness of men—not as strictly enforced as should be. Cleanliness of clothing—laundry facilities deficient, clothes washed in outer ditch; two boilers provided. Quality of clothing—condemned from quartermaster's department. Quantity of clothing—abundant, every man is well clothed and furnished with overcoat. Blankets and bedding—sufficient and in tolerable order in barracks;

sufficient and clean in hospital. Habits of men—indolent, can hardly be roused to take necessary exercise. Condition of men—good as can be looked for under circumstances; in hospital, comfortable. Hospital buildings—twelve barracks on upper end of island raised from two to six feet from surface. Hospital tents—eight, connected with smallpox hospital; overcrowded, six patients in a tent. Hospital police—very good in every respect. Hospital discipline—generally good, but not so strict as it should be. Hospital diet and cooking—U. S. Army general hospital diet table; cooking facilities ample and food well prepared. Hospital heat and ventilation—well heated by stoves, but not properly ventilated, especially with windows closed. Hospital capacity—150 beds in smallpox hospital, 596 in general hospital, total 746; overcrowded, proper capacity about 600. Number sick—smallpox 150, other diseases 557, total 707 (Federal, smallpox 8, other diseases 23, total 31; prisoners, smallpox 142, other diseases 534, total 676). State of medical supplies—well kept up, dispensary in very good order. State of surgical instruments—sufficient and well kept. State of hospital records—books well kept and in good order. State of hospital fund—October 31 $1,396.07; purchases, articles of diet, table furniture, policing utensils, washing, &c., invoiced for account. Medical attendance—sufficient and apparently good. Nursing—by convalescents and detail of prisoners. Interments—by detail in grave-yard on Jersey shore opposite fort. Diseases, local—miasmatic. Diseases, prevalent—variola, miasmatic. Diseases, zymotic—variola. Diseases, mitigation of—the location of the hospital is very unfavorable. Diseases, prevention of—every man is vaccinated on entrance into hospital, and many in barracks. Mortality from diseases—for October $12\frac{5}{31}$ per cent. of all diseases; smallpox, daily average sick $6\frac{14}{31}$, daily average deaths $2\frac{16}{31}$.

Medical officers—Asst. Surg. H. R. Silliman, U. S. Army, in charge. Judging from the general condition of the hospital and sick, the surgeon in charge is evidently an energetic and competent officer. Actg. Asst. Surg. C. Arrott, Acting Assistant Surgeon Nugent, Acting Assistant Surgeon Robinson, Acting Assistant Surgeon Barker, Acting Assistant Surgeon Woolsey, Acting Assistant Surgeon Turner. Nine rebel surgeons are also assigned by surgeon in charge to duty in barracks and smallpox hospital. Prison fund due November 1—$1,700. Articles purchased—water condenser, stoves, lumber, table furniture, policing utensils, vegetables, &c., accounted for by retaining original bills as vouchers, and keeping invoice of all articles purchased.

With the exception of the want of drainage and of occupation for the prisoners (spoken of hereafter), everything connected with this prison reflects credit on the officers in charge of it. The barracks are clean and kept well whitewashed. The prisoners are turned out daily for exercise (which they will not take unless forced to do so). Blankets and bedding are duly aired. The kitchen and mess-room are well appointed and well policed. The ground within the line of barracks is being gradually raised by depositing thereon the ashes from the various fires. Ventilation of the barracks by keeping the side windows open is well enforced. Additional measures for ventilating both barracks and hospital should, however, be provided, for the present means are entirely inadequate when the side windows are closed. The present laundry facilities for the prisoners in barracks are very poor, they being obliged to wash their clothes in the outer ditch. This will do very well when the tide keeps the water constantly changing, but at present the washing does not much improve the articles washed. In the hospital laundry matters are very much better, stationary tubs being provided, with hot and cold water at hand.

The hospital is in excellent condition and the patients look clean and comfortable. The smallpox hospital is overcrowded at present, but this will soon be obviated, for the disease is rapidly on the decrease. Each ward is provided with a bath-room for the patients and containing all the necessary appliances. The smallpox hospital is located too near the general hospital, nearly adjoining it, but this the limits of the island render necessary. Additional materials for vaccination should be obtained and every man on reaching the island vaccinated. This is the only sure means of effectually eradicating the disease.

I have to report that in my opinion this post is an utterly unfit location for a prison, much more for a hospital. Lying so low, its level being some six feet below high tide, it is impossible to properly drain it or to prevent its surface being constantly marshy and wet. The island is traversed by ditches connecting with the main ditch encircling the island, and with the moat around the fort, and intended to be constantly full of water, changing with the tide. The moat is in process of repair, and during this the water is partially shut off, rendering the ditches partially dry. From the stagnant mud and partially stagnant water in these a constant, and in some cases a most offensive, effluvia is constantly given off, rendering the atmosphere in a high degree unhealthy. Some of these ditches run directly underneath the barracks. The influence of such an atmosphere on a large number of men congregated together, and whose vital powers are depressed, as those of prisoners naturally are, cannot but be most injurious.

I would respectfully suggest that at this as at other posts where prisoners are confined some system of labor be devised, light it may be, but still sufficient to occupy their minds and bodies, and thus obviate the depressing influence which confinement and want of occupation necessarily exercise. I am convinced that if this were done the general condition of the prisoners would be much improved and the numbers on the sick-list rapidly diminished.

In many of the prisons which I have visited I have heard the men begging for work as a means of passing away time, and at Camp Douglas, where many of the prisoners were employed on the sewer and in erecting the new fence around the camp, these were by far the most cheerful and presented the best appearance. At every post I think that by some judiciously devised plan sufficient work could be found for all the prisoners to answer this purpose, if enforced by the commanding officer. At present I am convinced that idleness and ennui are more pregnant sources of disease than any other to be found in our various prisons.

Respectfully submitted.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Saint Louis, Mo., November 13, 1863.

Lieut. Col. J. O. BROADHEAD,
Provost-Marshal-General Dept. of the Missouri, Saint Louis, Mo.:

COLONEL: The major-general commanding the department directs that you give orders to the officers in charge of the military prisons in this city that the selling of fruit through the grates of the prisons, and all intercourse or communication of any kind whatever between pris-

oners and outsiders, except by proper authority, will be prohibited and guarded against in future.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Assistant Adjutant-General.

WAR DEPARTMENT, *Richmond, November 13, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have before me a printed order of General Burnside, No. 153, dated Cincinnati, September 18, 1863, by which two prisoners, Maj. Lee W. Long, C. S. Army, and Private George Woolfolk, C. S. Army, are ordered "to be shot unto death" on the 30th of October, 1863. The order is made "subject to the approval of the President of the United States." Major Long is charged with being "secretly within the lines of the U. S. forces." Substantially the same charge is made against Woolfolk. It appears that so much of the specification in the case of Major Long as averred that he denied his character and employment as a soldier was found by the court not to be true.

I will thank you to inform me at an early date whether these parties have been tried on these charges; whether they have been found guilty, and whether the sentence has been or is to be carried into effect. As this charge of "being secretly within the lines of the U. S. forces" seems to be made a matter of life and death, I will thank you also to inform me what your authorities consider "being secretly within the lines of the U. S. forces."

Do your lines include all Kentucky and Tennessee? Do you consider that any portion of Confederate territory not actually occupied by your forces is "within the lines of the U. S. forces?"

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[First indorsement.]

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., November 18, 1863.

Respectfully referred to Maj. Gen. E. A. Hitchcock, commissioner of exchange.

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

[Second indorsement.]

NOVEMBER 20, 1863.

Respectfully submitted to the General-in-Chief.

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

[Third indorsement.]

JUDGE-ADVOCATE-GENERAL'S OFFICE,
November 21, 1863.

The information so insolently demanded by the writer of this letter will not be furnished unless under the special direction of the Secretary of War. This position was taken some time since—it is believed with the Secretary's approval—in reference to a similar communication from the same source.

J. HOLT,
Judge-Advocate-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 13, 1863.

Brigadier-General MEREDITH, *Agent of Exchange:*

SIR: Col. R. H. Lee is now, or was a short time since, a prisoner of war in Washington City. He was severely wounded in the battle of Kernstown in 1862. This wound and a chronic dysentery of several years standing has very greatly impaired his health. He cannot outlive a protracted confinement. He has not been in active military service for a long time and never can be again. At the time of his capture he was a member of a permanent military court. I propose to exchange him for any wounded officer of yours of the same rank in our hands. We have a wounded colonel of yours, Col. W. B. McCreery, Twenty-first Michigan, who was wounded at Chickamauga. He is doing very well and nearly recovered from his wounds. If there is any other colonel in our hands who even approaches the condition of Colonel Lee, you can select him. This application is made purely on the score of humanity.*

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

[First indorsement.]

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., November 13, 1863.

Respectfully referred to Col. William Hoffman, Commissary-General of Prisoners.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 24, 1863.

Respectfully referred to the Secretary of War.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Third indorsement.]

WASHINGTON, *November 28, 1863.*

Hon. EDWIN M. STANTON:

I respectfully recommend that Colonel Lee be offered in exchange for Colonel Powell.

E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner, &c.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
November 14, 1863.

Capt. HUNTER BROOKE, *Judge-Advocate:*

CAPTAIN: Your letter of the 3d instant has been received and submitted to the consideration of the Secretary of War, who instructs me to say that under the circumstances as stated by you Frank B. Gurley is clearly triable for the murder of General McCook, and for any other

* See indorsements of Davis and Seddon, November 11, p. 502.

crime of which he may have been guilty while acting as a guerrilla and without a commission from the so-called Confederate States. The cartel is not regarded as at all interfering with the right of our Government to punish prisoners of war, when in our possession, for crimes committed by them before they entered the rebel military service. The case of a spy is an exception to this rule, because he must be taken *flagrante delicto*. If he is successful in making his escape, according to the well-settled principles of law the crime does not follow him, and, of course, if subsequently captured in battle he cannot be tried for it. It is recommended, therefore, that Gurley be put upon his trial with the least possible delay.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

P. S.—Although under the recent act of Congress the commanding general in the field has authority to carry into execution death sentences for murder, yet, as in the case of Gurley, political considerations may be involved, it is recommended that in the event of his conviction the sentence, after being approved, shall be suspended under the Eighty-ninth Article of War until the pleasure of the President can be known. The trial must, of course, be by a military commission.

J. H.

POST-OFFICE DEPARTMENT, INSPECTION OFFICE,
Washington, November 14, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: Your letter of 11th instant, referring to improper facility enjoyed by rebels on the Canada side for carrying on a correspondence with the prisoners at the depot near Sandusky, is received. I have referred the matter to one of our most experienced special agents, who will take immediate steps to put a stop to the evil complained of.

Very respectfully, your obedient servant,

JAMES WILSON,
Acting Chief Clerk.

NOVEMBER 14, 1863.

Lieut. L. M. BROOKS,
Actg. A. Q. M., Depot of Prisoners of War, Sandusky, Ohio:

LIEUTENANT: A letter from Lieutenant-Colonel Pierson, commanding at Sandusky, has been [submitted] to this office by Colonel Hoffman, Commissary-General of Prisoners, calling attention to the difficulty of supplying the prisoners' depot at that place with wood.

You are authorized to call for bids for at least thirty days, and to make a contract for the delivery at the depot of prisoners of war on Johnson's Island 3,000 cords of wood during next summer and autumn with privilege of increasing the quantity, if circumstances require it, not to exceed 5,000 cords.

By order:

E. S. SIBLEY,
Brevet Colonel, U. S. Army, Deputy Quartermaster-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 14, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have been informed by Lieut. Col. N. G. Watts, assistant agent of exchange, by letter bearing date November 1, 1863, that he had made application for the paroled prisoners who remained in Vicksburg to be sent within our lines, and was informed by Lieutenant-Colonel Strong, chief of Major-General McPherson's staff, that orders had been given for them to be sent North. The prisoners were left in Vicksburg because they were too sick to be removed at the time of the surrender. This refusal to deliver the prisoners is in direct violation of the terms of surrender. They number 118.

I will thank you to inform me at the very earliest day whether it is the intention of your Government to retain these men. If I do not receive a reply within a reasonable and proper time the Confederate Government will feel itself justified in consequence of the official nature of the communication in concluding that your authorities have determined not to release these prisoners on their parole.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *November 14, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The rations, including the candles, will be served to your men, the latter, of course, subject to such regulations as may be imposed by the prison authorities.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *November 14, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Both Captains Sawyer and Flinn are treated exactly as other prisoners of war at Richmond. Neither of them is held in close confinement. I do not know of a solitary case in which any officer or soldier is so held. That, however, will not long be the case unless our officers and soldiers in your custody are relieved from their close confinement. No other persons than Captains Flinn and Sawyer are held for the unjust execution of Corbin and McGraw.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

RICHMOND, VA., *November 14, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Brig. Gen. Neal Dow proved himself to be an utterly inefficient agent of distribution of clothing. In addition he has shamefully broken his word of honor in not confining himself exclusively to that work in his intercourse with the prisoners. For these reasons our

authorities have determined to place the distribution under the control and management of a board of Federal officers. I will give you their names in my next communication. I will transmit the reports of the board from time to time.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 15, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In compliance with your orders I submit the following summary of military operations since my last annual report:*

* * * * * * *

PRISONERS OF WAR.

On the 22d of July, 1862, Major-General Dix and Major-General Hill entered into a cartel for the exchange of prisoners during the existing war, specially stipulating when and where exchanges should be made and how declared, defining the meaning of a parole, and the rights and obligations of prisoners under parole, and when and how they were to be released from these obligations. Special agreements of this kind, modifying and explaining the general laws of war, furnish the rules of conduct for the contracting parties in all cases for which they provide or to which they are applicable.

Finding that the rebel authorities were paroling prisoners contrary to these stipulations, they were notified on the 22d of May last that all paroles not given in the manner prescribed by the cartel would be regarded as null and void. Nevertheless, they continue to extort, by threats and ill-treatment, from our men paroles unauthorized by the cartel, and also refused to deliver colored prisoners and their officers. It is stated that they sold the former into slavery and sentenced the latter to imprisonment and death for alleged violation of local State laws. This compelled a resort to retaliatory measures, and an equal number of their prisoners in our hands were selected as hostages for the surrender of those retained by them. All exchanges under the cartel, therefore, ceased. In violation of general good faith and of engagements solemnly entered into the rebel commissioner then proceeded to declare exchanged all his own paroled prisoners and ordered their return to the ranks of their regiments then in the field. And we are now asked to confirm these acts by opening new accounts and making new lists for exchange, and the rebels seek to enforce these demands by the most barbarous treatment of our officers and men now in their hands.

Rebel prisoners held by the United States have been uniformly treated with consideration and kindness. They have been furnished with all necessary clothing and supplied with the same quality and amount of food as our own soldiers, while our soldiers who, by the casualties of war, have been captured by them have been stripped of their blankets, clothing, and shoes, even in the winter season, and then confined in damp and loathsome prisons, and only half fed on damaged provisions, or actually starved to death, while hundreds have terminated their

* For portions here omitted see Series III.

existence, loaded with irons, in filthy prisons. Not a few, after a semblance of trial by some military tribunal, have been actually murdered by their inhuman keepers. In fine, the treatment of our prisoners of war by the rebel authorities has been even more barbarous than that which Christian captives formerly suffered from the pirates of Tripoli, Tunis, and Algiers; and the horrors of "Belle Isle" and "Libby Prison" exceed even those of "British Hulks" or the "Black Hole of Calcutta." And this atrocious conduct is applauded by the people and commended by the public press of Richmond as "a means of reducing the Yankee ranks."

It has been proposed to retaliate upon the enemy by treating his prisoners precisely as he treats ours. Such retaliation is fully justified by the laws and usages of war, and the present case seems to call for the exercise of this extreme right. Nevertheless, it is revolting to our sense of humanity to be forced to so cruel an alternative. It is hoped self-interest, if not a sense of justice, may induce the rebels to abandon a course of conduct which must forever remain a burning disgrace to them and their cause.

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All of which is respectfully submitted.

H. W. HALLECK,
General-in-Chief.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 15, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Whilst we cannot allow directions to issue from Fortress Monroe to one of your prisoners here as to the distribution of rations, I am confident you will be entirely satisfied with the manner in which that service is performed. It will be done in conformity with such regulations as may be established by the prison authorities. These regulations will of course have but the one aim of making the rations most serviceable to your prisoners. Due reports will be made. It was entirely unnecessary for you to threaten the reduction of the rations of our prisoners in your hands. The same humanity that made us consent to receive the clothing would dictate that the rations should not be refused.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 15, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The body of Captain Gleeson will be sent to you; so will that of any other officer or soldier whenever you request it if you will reciprocate. Immediate steps will be taken in accordance with your suggestion for the removal of the remains of Captain Stamps.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

FORT MONROE, *November 16, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

Has report in regard to place for rebel prisoners been received? Are the prisoners to come here? Shall Sewell's Point or Hatteras be used? A reply is respectfully requested, as it is necessary to make preparations.

B. F. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, November 16, 1863.*

Major-General BUTLER, *Fortress Monroe:*

Your report* in regard to place for confinement of rebel prisoners has been received, and on consultation with the General-in-Chief it is believed to be inexpedient to select either Sewell's Point or Hatteras. For the present, therefore, all action in the matter is suspended.

EDWIN M. STANTON,
Secretary of War.

FORT DELAWARE, DEL., *November 16, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Inclosed please find semi-monthly report of deaths at this post.† The number of deaths rendered it impossible to dig a grave for each body separately. I had, therefore, three buried in each grave, and all the names of same date are on the headboard. There is secured to each coffin a card, on which is the name, company, and regiment, and this card is covered with leather so as to enable parties to find the remains easily. It is impossible to give the date of individual arrivals of prisoners as I have never been required to keep such a record. I have kept a record of the number as they arrived.

Very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General, Commanding Post.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Chicago, Ill., November 16, 1863.

Col. C. V. DE LAND,
Commanding Camp Douglas, Chicago, Ill.:

COLONEL: You will hereafter permit prisoners of war to receive such articles of clothing as may be absolutely necessary only from their immediate families—not from friends or sympathizers. If a prisoner has a suit which he can wear nothing more can be given to him. Boxes of clothing or other articles for distribution will not be received, nor will you receive contributions of liquor of any kind for the sick. Whatever is necessary and proper will be obtained on requisition made on the medical department. You will not receive on deposit for any one prisoner more than $2, unless it is found in his possession when delivered to you.

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*Not found.

†Report (here omitted) shows 77 enlisted men and 1 citizen.

You will make, with as little delay as possible, a written report of the origin and other particulars of the fire by which a portion of the barracks and fencing at Camp Douglas was recently burned down.*

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

FORT MONROE, *November 16, 1863.*

Major-General HITCHCOCK:

The rebels will not allow the commissary appointed by me to deliver the subsistence to our prisoners, but say that their own commissary shall do it; and they will give assurance that it will be faithfully done. Shall I send another lot up? Mr. Ould has returned my letter of November 12.

S. A. MEREDITH,
Brigadier-General.

WASHINGTON, *November 16, 1863.*

General MEREDITH:

Send the provision beyond City Point unless you have reason to doubt the fidelity of those who undertake to deliver it to our prisoners.

E. A. HITCHCOCK,
Major-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
November 16, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Col. A. Von Schrader, inspector-general of Fourteenth Army Corps; Col. L. P. Di Cesnola, Fourth New York Cavalry, and Lieut. Col. J. F. Boyd, quartermaster to Twentieth Army Corps, are the Federal officers who have been appointed as members of the board to superintend the distribution of your clothing. There is such a large amount on hand that it will be necessary to appoint other boards. When that is done you will be duly informed.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 16, 1863.

Brigadier-General MEREDITH, *Agent of Exchange:*

SIR: Application was made to me to-day to permit the body of Lieut. J. T. Ketchum, Fourth New York Cavalry, who died at the Libby some time ago, to be transported North. This will be granted if you reciprocate.

I will thank you to inform me to what extent your authorities are willing to go in this matter. I do not think my applications will exceed one or two a month.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

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* Report (here omitted) was made November 20, 1863. It is covered by Hoffman to Stanton, December 3, p. 632.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 16, 1863.

ISAAC W. MONFORT, Esq.,
Military Agent of Indiana, Fort Monroe:

SIR: Your communication* of the 12th instant has been received. Any provisions which you may choose to send to City Point for the benefit of Indiana prisoners will be faithfully distributed to them under such regulations as shall be prescribed by our prison authorities. Of course those regulations will have but the one aim of benefiting your people.

The provisions can be sent to my care or that of Brigadier-General Winder.

There will, of course, be some difficulty in finding your people. Some of them may be at one place and some at another. We have now begun distributing Federal prisoners over our country, owing to the recent refusal of the Federal authorities to make exchanges. This fact of itself would be a good reason for not directing the stores to any one of your officers. Every effort will be made to find out your people and due reports made to you from time to time.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

CHARLESTON, S. C., *November 16, 1863.*

General BEAUREGARD:

SIR: We, the colored prisoners belonging to the Fifty-fourth Massachusetts Regiment, do beg of you to send this communication to General Gillmore, as we are very much in need of the things that they can furnish us with, and you will confer a very great favor upon us by so doing.

[Inclosure.]

CHARLESTON, S. C., *November 16, 1863.*

General GILLMORE:

SIR: We, the undersigned, now prisoners in the Confederate Government, captured on James and Morris Islands July 16 and 18, ascertain by the provost-marshal of this city that we can receive things from you. If you will be so kind as to send us a few things† that we need it will do us a great favor at the time being, and we shall feel exceedingly thankful.

WALTER A. JEFFERS.
ENOS SMITH.
HENRY KIRK.
[And thirty others.]

[NOVEMBER 16, 1863.—For Bragg's General Orders, No. 208, announcing to his army "that the enemy does not intend to carry out in good faith the cartel * * * for the exchange of prisoners," and commenting thereon, see Series I, Vol. XXXI, Part III, p. 701.]

FORT MONROE, *November 17, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

Flag-of-truce boat just in. Richmond papers of 17th. Union prisoners are being sent away from Richmond; 4,000 to Danville, others to

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*Not found. †List of articles omitted.

Atlanta and Columbus. News from Charleston to November 16. Firing ceased at 11 a. m. Firing from Gregg and Cummings Point and from two monitors continued up to that time. No other news.

B. F. BUTLER,
Major-General, Commanding.

FORT MONROE, VA., *November 17, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

I am informed and believe that the rebels will give us a man for every man we send them up to the number they hold. Shall I put them the question or interfere about it in any way?

B. F. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, November 17, 1863.*

Major-General BUTLER, *Fort Monroe:*

The whole subject of exchange of prisoners is under direction of Major-General Hitchcock, to whom, as commissioner of exchange, that branch of the service has been committed. He will be glad to have any idea or suggestion you may be pleased to furnish, but there should be no interference without his assent.

It is known that the rebels will exchange man for man and officer for officer, except blacks and officers in command of black troops. These they absolutely refuse to exchange. This is the point on which the whole matter hinges. Exchanging man for man and officer for officer, with the exception the rebels make, is a substantial abandonment of the colored troops and their officers to their fate, and would be a shameful dishonor to the Government bound to protect them. When they agree to exchange all alike there will be no difficulty.

EDWIN M. STANTON,
Secretary of War.

OFFICE OF JUDGE-ADVOCATE-GENERAL,
November 17, 1863.

SECRETARY OF WAR:

In this case an atrocious murder was committed on a loyal citizen while engaged in a peaceful and useful employment under the express sanction of the U. S. authorities at Harper's Ferry. The turpitude of this crime was deepened by the fact that the sanctity of a flag of truce was violated in its commission; by the treasonable spirit which appears to have instigated it, and by the circumstances of cold-blooded premeditation and treachery which preceded and surrounded it. Capt. Robert W. Baylor, a prisoner from the rebel army, was arraigned before a general court-martial on the 4th of June last charged with the commission of this murder, but before the court had pronounced its judgment its proceedings were interrupted by the advance of the rebel army and it never reassembled. The case being referred to this office for examination, it recommended by its report of the 27th ultimo that Brig. Gen. B. F. Kelley, by whom the court was appointed, be directed to reconvene it for the purpose of concluding its proceedings in the case.

Upon the report of Major-General Hitchcock that a careful review of the testimony has led him to the opinion that a verdict of guilty cannot be found on it "and that another trial could not bring out any new evidence," and recommending therefore that Captain Baylor be

placed on the footing of ordinary prisoners of war, the case is again referred to this office for report. This opinion of General Hitchcock is not concurred in. It is for the court-martial and for it alone to decide whether or not the testimony adduced at the trial and exhibited in the record will or should convict the accused of the crime with which he stands charged. It was therefore recommended by this office that the court should be reconvened for that object. On careful re-examination of the record this office is confirmed in the opinion that the court-martial should be reconvened, for no effort should be spared on the part of the Government to bring to justice the perpetrators of this startling and ruffianly murder, and as it is ascertained from the Adjutant-General's Office that it can be reconvened with but slight inconvenience to the public service, the former recommendation is renewed.

J. HOLT,
Judge-Advocate-General.

CHATTANOOGA, TENN., *November 17, 1863.*

Hon. E. M. STANTON,
Secretary of War, Washington City, D. C.:

SIR: We take the privilege of informing you that the officers of the Twenty-first Regiment Ohio Volunteers have received a letter from Major McMahan, of that regiment, who is a prisoner at Richmond, Va., in which the major states that Lieut. E. H. Mason, of the Twenty-first Regiment Ohio Volunteers, who was captured at the battle of Chickamauga, Ga., was recognized in Atlanta, Ga., and retained upon the former charges (spying). Lieut. John R. Porter, of the same regiment, was also captured at the battle [of] Chickamauga, but has not been heard from. It is believed that he will pass himself as a private soldier, as he was wearing a private's uniform when captured. John Wollam, a private of Company C, Thirty-third Regiment Ohio Volunteers, was also missing at the battle of Chickamauga. He has not been heard from, but is no doubt a prisoner, if alive. It is believed that he was killed or wounded in the first day's fight. You will please remember that these men were members of the party sent by General O. M. Mitchel into the State of Georgia in April, 1862, on the memorable bridge-burning expedition. Porter and Wollam escaped from the enemy at Atlanta in October, 1862, Mason was released. How they can retain and punish him on the original charges after once releasing him we do not understand, but having been comrades in the same expedition, and for six long months fellow-prisoners, and being much attached to each other, now that some of our comrades have again fallen into the hands of the enemy and are likely to lose their lives, our sympathies are aroused, and we would very respectfully solicit you to interfere in their behalf. Let rebels learn to respect, not murder, U. S. officers and soldiers. Perhaps to retaliate for those who were so brutally murdered at Atlanta, Ga., in June, 1862, would caution them a little.

Please excuse us for taking the liberty of addressing you via a private letter; we do it fearing that the above facts have not been brought to your notice.

We have the honor to be, sir, very respectfully, your obedient servants.

JACOB PARROTT,
Lieutenant, Company K.
DANIEL A. DORSEY,
Lieut., Company H, Thirty-third Regt. Ohio Volunteer Infantry.

[Indorsement.]

WAR DEPARTMENT, *November 26, 1863.*

COMMISSIONER OF EXCHANGE:

Respectfully referred to the commissioner for the exchange of prisoners, whose attention is specially invited to the cases herein referred to.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

HARTFORD, CONN., *November 17, 1863.*

Colonel HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: As I promised while at your office on Saturday last, I note the following facts concerning the condition of our prisoners in Richmond, as gathered during my brief stay there en route from Columbia to City Point.

General Dow had visited Belle Isle and found there a large proportion of our privates without tents, barracks, or any shelter, herded like cattle on the cold or wet sand, lacking blankets, clothing, and sufficient food. He thought that those not already dying of starvation were being rapidly reduced to such weakness and exhaustion as would unfit them for military service on their return to our lines.

Colonel Ely, of the Eighteenth Connecticut Volunteers, had been to the hospital and there saw our men dying of starvation and exposure at the rate of ten a day on an average. He saw fourteen brought in one evening all worn to the last degree of emaciation, unable to make use of proffered food, from their long deprivation of it, of whom nine were carried out on the following morning to the prisoners' grave. Major White, of Pennsylvania, said he had himself seen the time in the Libby when he would have stolen food, but that he must take it from one as hungry as himself, and he had envied the man who had a crust of dry coarse bread while he had none.

On the day I left the prison, Wednesday, 12th instant, the entire ration to the officers was a piece of coarse bread, measuring just 5 by 2½ by 3 inches. The small allowance of meat was then cut off from the officers, as it had been for some days before from the privates. An officer of the Confederate service with our men on Belle Isle told us at the prison on Tuesday at 4 p. m. that up to that hour our men had received not a particle of food that day, and we had no reason to suppose they obtained it later.

On my way to Richmond from Columbia a Confederate official said to a naval surgeon who was with me:

> It is a hard thing to say to you, but your men on Belle Isle are dying of starvation.

Another Confederate officer said to our officers at the Libby:

> The island is a perfect slaughter pen for your men.

Even if food were furnished to our men, they still lack shelter, and fuel for cooking is also as scarce as food for both officers and men.

All these facts may be familiar to you, but I give them now at the urgent solicitation of the prisoners in the Libby.

General Dow wished me to say that he understood that our Government had a large amount of Confederate money in its possession, and if this

were so, and any portion of it could be sent to him in jars sealed and labeled as preserved fruits, he could exchange it with the officers for Treasury notes and gold at Richmond rates, and thus dispose of it advantageously. The officers at the Libby are now spending for their own comfort and sustenance about $1,000 per day in Confederate currency. I state this matter just as I was requested to by General Dow, and am, sir,

Very respectfully, your obedient servant,

H. C. TRUMBULL,
Chaplain Tenth Connecticut Volunteers.

HEADQUARTERS U. S. FORCES,
Collierville, Tenn., November 17, 1863.

Brigadier-General FORREST, or
Brigadier-General CHALMERS, C. S. Army:

GENERAL: The bearer hereof, Lieutenant-Colonel Hepburn, Second Iowa Cavalry, is authorized to propose to you an exchange of Asst. Surg. D. C. McCampbell, captured by my command on the 3d instant at Collierville, Tenn., for Lieut. Joseph O'Kane, Seventh Illinois Cavalry, captured by Confederate forces on the same day at Coldwater. Asst. Surg. D. C. McCampbell has been detained by me as a prisoner for the reason that in April last Assistant Surgeon Yulee, Second Iowa Cavalry, captured by Confederate forces on Pearl River, was not paroled, but, in violation of the existing cartel, was sent to Richmond and confined in Libby Prison. Lieutenant-Colonel Hepburn is further authorized to confer with you as to the informal exchange of prisoners now held, or that may hereafter be captured, belonging to your own or to the cavalry command of the Sixteenth Army Corps.

Very respectfully, your obedient servant,

EDWARD HATCH,
Colonel Second Iowa Cavalry, Commanding U. S. Forces.

[First indorsement.]

Respectfully forwarded and recommended. I met the lieutenant-colonel as requested, and received from him a verbal proposition to have all prisoners taken by our respective commands informally exchanged. I informed him that Major-General Lee commanded the cavalry of Mississippi, and that I could make no agreement without his consent. I think the arrangement would result to our benefit, and therefore recommend its adoption.

JAS. R. CHALMERS,
Brigadier-General.

[Second indorsement.]

HEADQUARTERS CAVALRY IN MISSISSIPPI,
Grenada, November 25, 1863.

Respectfully forwarded.

The arrangement proposed will be to the interests of the service, in my judgment, and I recommend it.

S. D. LEE,
Major-General.

[Third indorsement.]

GENERAL JOHNSTON'S OFFICE.

Respectfully returned.

The War Department alone has the power to confer such authority.

COMMISSIONER'S OFFICE,
Montgomery, Ala., November 17, 1863.

General JOSEPH E. JOHNSTON, *Commanding Department, &c.:*

SIR: I have recently received from the Hon. John A. Campbell, Assistant Secretary of War, a communication in which he says that the Department desires me to continue in the discharge of my duties under my commission for the examination of prisoners not connected with the Confederate Army in the State of Alabama and Department of Western Georgia, and to maintain communication with the Confederate officers having charge of such prisoners, visit from time to time the several prisons, and make as speedy disposition as practicable of such cases, as they shall from time to time arise.

With a view to keeping myself apprised by the officers having charge of these prisoners, of arrests, &c., I have the honor to ask that you will extend to me the facilities, by your orders, of having the various provost-marshals or commandants of posts in your department to forward to me at this place monthly reports of these prisoners in their respective custody, stating the time of arrest, by whose order, &c., and to prepare for me on my tour of examination written charges against the prisoners, with names of witnesses to sustain them; or if no witnesses, such explanations and military orders connected with their arrests as may enable me satisfactorily to examine the cases. It would greatly facilitate me if I knew at what various military posts or prisons in your department such arrests and confinements are made, that I might maintain a constant correspondence with the officers commanding them.

I am exceedingly anxious to reduce this whole matter to such system as would insure prompt attention to the cases as they arrive, and for any orders looking to this end which may occur to you as calculated to effect the purpose, I would be greatly obliged. I have also the honor to request that as full publicity be given to these orders as may be necessary.

I am, general, very respectfully,

M. J. SAFFOLD,
Commissioner, &c.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, November 18, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In the limits of a telegram, and for the public eye, it was impossible to explain my full thought on the subject of exchange of prisoners. I believed there was some misunderstanding of the questions involved when I telegraphed, and your answer, with the sentiments of which in every word I concur, convinces me that I was right in my belief. No one will go further in exerting every power of the Government in protecting the colored troops and their officers than myself, and if that is the question which prevents exchange, and we stand before the country upon that question, I have not a word further to urge. But I fear that is not the point, or at least it is not now understood by the country that it is upon the pledge of the country's honor that all men, white or black, who fight for us shall be protected, that we now feel obliged to let our fellow-soldiers starve, if such shall be the inhumanity of the rebels.

I ought to premise, perhaps, why I interfere where it is not specially within my command. Believing that I could do something for the good of the service, I took the liberty of making the application, and, with your leave, shall continue to make suggestions wherever and whenever I think the Government may be aided by so doing, although not strictly called upon so to do, to complete my routine of duty.

I am informed and believe that the rebel authorities will exchange every officer and soldier they now hold in custody, whether colored or not, upon receiving an equivalent number and rank from us.

Indeed, I can put no other interpretation upon the letter of Robert Ould, esq., agent of exchange at Richmond, of October 20, referring to a letter of a previous date, in which he says:

> More than a month ago I asked your acquiescence in a proposition that all officers and soldiers on both sides should be released in conformity with the provisions of the cartel.

I have forwarded copies of all the correspondence so that you can refer to it. If there is any interpretation to the contrary it is not made apparent to the country, and the Government, for all that appears from the correspondence between the two commissioners, are now suffering our soldiers to be starved to death upon the proposition of inequality in the computation and value of paroles. If you will examine the correspondence it will be seen that the whole question turns upon that point; not a suggestion is made that color, caste, or condition has anything to do with the dispute.

It would seem that the discussion had grown sufficiently acrimonious to have lost sight of the point of dispute, as we know many discussions do.

I do not mean to impute blame to any party, because I am not sufficiently informed, nor have I the authority so to do, but simply to suggest a remedy.

I assume that we have in actual custody some 26,000 prisoners, against 13,000 that the rebels have. Now, then, why may not Ould's proposition be accepted and exchange man for man, officer for officer, until the rebels stop; if then every prisoner they hold has been exchanged, the question of color does not arise and our men will have been relieved from starvation up to that number. But if the colored prisoners and their officers shall not be produced by the rebels for exchange, we shall have 10,000 of their men upon whom to work both retaliation and reprisal to the fullest extent to wring from the rebels justice to the colored soldier.

It is not necessary to argue this point; its statement is the argument. This action, not offers and correspondence, will place the Government right before the country, and if then the negro prisoners, whether civilians or soldiers, or their officers, are kept in prison or maltreated, the world will justify us in the reprisal and retaliation to any extent. I believe that this exchange will be made by the rebels, from information derived from various sources, and especially from Mr. I. W. Monfort, agent of the State of Indiana, who has gone to Washington, and from whom you can learn the facts that lead to my belief.

Without suggesting any blame upon the part of the agent of exchange, would not the fact seem to be that such a state of feeling has grown up between himself and the rebel agent, that, without doing anything which would impute wrong or detract from the appreciation of the efforts of General Meredith, this might be done as if outside of either agent?

This is submitted for consideration with a single desire to relieve the soldiers now in a condition to enlist all our sympathies.

I can make these suggestions all the more freely as I leave this evening to arrange the affairs of this department in North Carolina, and can have probably no personal part in the matter.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

WASHINGTON, *November 18, 1863.*

General MEREDITH:

The newspapers report that the rebels refused to allow your provisions to go to our prisoners in Richmond. I hope and believe that this is not true. What is the fact? I have written to inquire the name of the chaplain said to be confined at Columbia, S. C. The report came from Boston.

E. A. HITCHCOCK,
Major-General of Volunteers.

FORT MONROE, VA., *November 18, 1863.*

Maj. Gen. E. A. HITCHCOCK, *Commissioner of Exchange:*

The rebels refuse to let our commissaries distribute it. I sent yesterday 48,000 rations, which will be distributed by their commissaries.

S. A. MEREDITH,
Brigadier-General.

FORT MCHENRY, *Baltimore, November 18, 1863.*

Col. W. HOFFMAN:

J. C. Green, surgeon Fifth Virginia Cavalry, is held here as hostage for Surgeon Rucker. Is he to be forwarded for exchange with the others? Shall we parole the surgeons we send?

P. A. PORTER,
Colonel, Commanding.

WAR DEPARTMENT, *Washington, November 18, 1863.*

Col. P. A. PORTER, *Commanding Fort McHenry:*

All rebel medical officers in our hands, including Doctor Green, are to be released and sent South unconditionally. They are not to be paroled.

E. A. HITCHCOCK.

HEADQUARTERS ARMY OF THE TENNESSEE,
Bridgeport, November 18, 1863.

Col. W. HOFFMAN,
Third U. S. Infantry, Commissary-General of Prisoners:

DEAR COLONEL: Yours of November 6 is received. Although I command a department, you see I am personally here near Chattanooga, having marched a part of the Army of the Tennessee all the way from

Memphis. Our usual practice has been for all prisoners to be sent to corps headquarters and then to Cairo. My department has three lines now, the Mississippi, the Tennessee, and now the Nashville railroad. Cairo would be the best place for the first two lines, but here our prisoners should go to Nashville. I will see General Grant again at Chattanooga and will ascertain from him the course he has heretofore pursued in this regard and will advise you, but I think Cairo will be the best point for us to send our prisoners to. It is a common center for the rivers which are our surest lines of communication.

I will therefore make an order that all prisoners of war captured be sent by the most convenient routes to Cairo and for the commanding officer there to make reports to you as required by orders. When prisoners of war are too badly hurt to bear transportation to Cairo they are not worth capturing. In that case the best plan is to put them on the inhabitants to care for. I find their sick and wounded too anxious to be made prisoners for better treatment.

I am, &c.,

W. T. SHERMAN,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 18, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: While at Annapolis under your orders I visited the Naval Academy and College hospitals at that place for the purpose of ascertaining the condition of the Federal paroled prisoners recently arrived from Richmond and at present inmates of these hospitals. I found such as had survived (forty-eight having died within ten days of their admission) in a most wretched condition, though now surrounded by every comfort which a well-ordered hospital and competent, attentive attendance can supply. They were suffering from scurvy, hospital gangrene, pneumonia, and some, though laboring under no disease, were actually dying of starvation. One poor fellow informed me that for fifteen days previous to his departure from Richmond he had received no animal food whatever, and for five days had been supplied with but one cracker and a half per day. These hospitals are admirably conducted in every particular by their respective surgeons in charge, and have accommodations for the immediate reception, if necessary, of 1,000 additional patients. At the Naval Academy Hospital the surgeon in charge has very judiciously, I think, made arrangements for the reception and preliminary treatment of the paroled prisoners in tents, as he informs me that he finds when they are placed at once in a warm, comfortable ward, the reaction which ensues is too great for their reduced systems to bear, and that pneumonia or some other inflammatory condition supervenes and is very frequently fatal. This he expects to obviate by the means above mentioned, and I think his idea will prove a just one. But this communication is more especially for the purpose of calling your attention to the necessity of having the flag-of-truce boat fitted up with the hospital appliances necessary for the proper medical treatment of the sick paroled prisoners during the passage from City Point to Annapolis. A competent and experienced medical officer should also be assigned to the boat, for very much of the after success in these extreme cases depends on the early treatment which they receive. I am informed that the acting assistant

surgeon at present attached to the boat is, though well skilled in his profession, unfitted by his want of experience in this kind of duty for this post. If it should meet with your approbation, I would volunteer to make a trip to City Point on the boat, to ascertain and report what changes or additions to the present arrangements are needed for the proper care of the prisoners on the passage.

Surgeon Vanderkieft (in charge of Naval Academy Hospital) suggested the propriety of the officer in charge of the flag-of-truce boat telegraphing to him from Fortress Monroe of his expected time of arrival at Annapolis, and of the number of patients on board, that arrangements for their proper reception might be made previous to their arrival. At present they are obliged to wait for some time before coffee, soup, and other food can be prepared.

A correct list of names, &c., should also be furnished with the prisoners, as many are too far exhausted on their arrival at the hospital to give any account of themselves, and many die without the means of making it known who they are.

Respectfully submitted.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

OFFICE PROVOST-MARSHAL,
Annapolis, Md., November 18, 1863.

Col. C. A. WAITE,
First Infantry, U. S. Army, Comdg. at Annapolis, Md.:

COLONEL: I have the honor to report that the flag-of-truce boat New York arrived to-day with some 300 released prisoners from Richmond, and as the duties of my office called me on board I had an opportunity of conversing with many of the men, who seemed to be very intelligent. They almost to a man tell the same story. When they arrived at Richmond and were ushered into the filthy prisons, the officers in charge stripped them of their money and all surplus clothing in their possession. They are then obliged to lay upon the floor, and get very scanty rations, hardly enough to keep body and soul together. The sight upon the flag-of-truce boat to-day was heart-rending, to see men so reduced by starvation that they had not strength to raise upon their feet, and were obliged to be carried off on stretchers to the hospital.

The principal statements made in regard to the taking of their money are against Captain Turner, officer in charge of the Libby Prison. Upon the arrival of a squad of prisoners, Captain Turner has them drawn up in line and tells them to deliver up all their money, and it will be returned to them when they are exchanged; if not given up voluntarily, they are searched and their money confiscated. From statements of several intelligent men on board of the boat, I ascertained that out of a crowd of 400 Union prisoners who arrived at Richmond on the 26th of September last, Captain Turner received the sum of about $2,000, none of which has ever been returned. Parties giving me this information had all the money in their possession taken from them, some not having over $3, yet this small amount was taken.

I am, colonel, with great respect, your obedient servant,

FRANCIS J. KEFFER,

Captain, Seventy-first Pennsylvania Vols., Provost-Marshal.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 18, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: In your communication of November 7, 1863, you inclose a copy of a letter bearing date May 22, 1863, purporting to have been written by Lieutenant-Colonel Ludlow and addressed to me.*

I reiterate what I have before said, that General Orders, No. 100, when it was delivered to me, was not accompanied by any written communication. You are aware that Lieutenant-Colonel Ludlow was at City Point on the 23d of May. It is unquestionably true that he wrote the aforesaid letter on the 22d at Fortress Monroe. It is just as true that he brought it with him to City Point. My own personal recollection is perfectly distinct that at the conclusion of our interview at City Point he took the pamphlet containing General Orders, No. 100, from a package, the seal of which he broke at the time, and delivered said order into my hands, with the remark that its provisions in the future would govern the operations of the U. S. forces. Why he retained the letter I do not know. The fact, however, is exactly as I have stated it and fully explains why a copy of the letter was in Lieutenant-Colonel Ludlow's letter book.

I do not want to be understood for one moment as imputing any fraud or improper conduct in what Lieutenant-Colonel Ludlow did in the premises. He undoubtedly thought the remark he made at the time of the delivery dispensed with the necessity of giving me the letter.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 18, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The letter of General Hitchcock has been received.†

Until the Confederate authorities appeal to be relieved "from the obligation to treat prisoners of war according to the laws of civilized warfare," or offer as "an explanation or excuse" for insufficient food that supplies have not been forwarded by your Government, it is entirely unnecessary to discuss what will be the views of your authorities in either contingency.

Statements most infamously false have recently been made and circulated at the North by persons whose calling should have imposed a respect for truth, which their own personal honor seems to have failed to secure. Our regulations require that prisoners shall receive the same rations as soldiers in the field. Such your prisoners have received and will continue to receive. Do you ask more? If so, what do you demand? We recognize in the fullest form our obligation to treat your prisoners with humanity and to serve them with the same food in quantity and quality as is given to our own soldiers. If the supply is scanty, you have only to blame the system of warfare you have waged against us. There is nothing in the action of the Confederate Government which gives any sort of countenance to the charge of cruelty or inhumanity to your prisoners. In the first place we have importuned you to agree to a fair and honest proposition, which would

* See Vol. V, this series, p. 690.

† See November 13, p. 515.

secure the release of all of them. When that was rejected you have been permitted to send, without stint or limitation, all kinds of supplies to them.

General Hitchcock requests that the prisoners now in our hands be returned to your lines. This is not accompanied with any proposition to release our prisoners now in your hands. So far from that being the case, he promises "to continue to supply food and clothing as heretofore" to such. General Hitchcock need not have urged you to "lose no time in communicating" his letter. No degree of haste would have secured the assent of the Confederate authorities to a proposition so flagrantly unequal. We are ready to relieve your Government from the burden of supplying "food and clothing as heretofore" to our people in your hands, and if they are sent to us yours shall be returned to you, the excess on one side or the other to be on parole.

I hope you will urge upon General Hitchcock the acceptance of this proposition as due to the most solemn considerations in the face of the "civilized world." We are content that the "civilized world" should draw its own conclusions when it contrasts the two offers.

I will thank you to forward this communication to General Hitchcock, or inform him that the Confederate authorities decline to accept his proposition.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 18, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I herewith return to you the indorsement of Governor Letcher upon your communication of the 15th instant relating to Shuman, Ludwig, and Crawford. I also inclose to you a copy of the trial and conviction of the two first named and a letter from the superintendent of the penitentiary. If you will inform me in what State Anderson Crawford was convicted I will send you a similar copy of the proceedings in his case.

So many recent and novel interpretations of the "laws of war" have been delivered that I am at a loss to know from the tenor of your letter whether it is intended by your authorities to contest the right of the Commonwealth of Virginia to punish persons within her jurisdiction for felonies. If, however, your own general orders are to have any effect, I suppose paragraph 59 of General Orders, No. 100, settles the question. I have very frankly and at an early day responded to your inquiries. I hope I am not asking too much when I request that any "special orders" which may be issued in these cases may be promptly communicated to me.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure No. 1.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., November 15, 1863.

Hon. R. OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I have information which will be relied and acted upon as authentic, unless formally and without reserve denied, that Joseph

Shuman and Edward [Amandus E.] Ludwig, of the Fourth Maine Infantry, were sent to the penitentiary from Botetourt County in October, 1862, for a term of years, and that Anderson Crawford, of a Maryland regiment, has been sent to a penitentiary also, in all three cases upon accusations not recognized as criminal according to the laws of war.

A reasonable time for receiving information from the South will be allowed before giving any special orders in these cases.

Respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Indorsement.]

RICHMOND, *November 17, 1863.*

There is no such man as Crawford in the penitentiary, nor has there been such a man during my official term.

The other persons named are in the penitentiary under judgments of the circuit court of Botetourt, and there they will remain during my term of service.

JOHN LETCHER.

[Inclosure No. 2.]

PENITENTIARY OF VIRGINIA, *November 18, 1863.*

His Excellency JOHN LETCHER, *Governor of Virginia:*

In obedience to your request, I have carefully examined the records of the Virginia penitentiary and find that Joseph Shuman and Amandus E. Ludwig are confined here as prisoners, under a conviction by the circuit court of Botetourt County, Va., and I annex the record of their trial and conviction as the authority by which they are held as prisoners.

I can find no register of the name of Anderson Crawford, nor is there any prisoner confined here purporting to be of that name.

Most respectfully submitted.

COLIN BASS,
Superintendent Virginia Penitentiary.

[Inclosure No. 3.]

At a special term of the circuit court of Botetourt, held for the said county at the court-house thereof on Tuesday, the 12th day of August, 1862 (and continued by adjournment till the 13th of August, 1862); present, the Honorable Robert M. Hudson, judge of this court, Henry M. Bowyer (foreman), Thomas G. Goodwin, Samuel Young, George Keplar, John Painter, Daniel Bough, William Kyle, George Switzer, John Rhinehart, John B. Cahoon, Isaac Austin, sr., Jacob Ried, Samuel Pullen, Thomas Simpson, Morris Hickok, Hugh M. Grant, Ira B. Smith, James H. Mohler, Charles H. Casper, Robert F. Nace, George W. Roder, and Joseph P. Gaunt were sworn a grand jury of inquest for the body of this county, and having received their charge, retired to consider of their presentments, and presently returned and presented the following indictment, to wit: "An indictment against Joseph Shuman and Amandus E. Ludwig for larceny. A true bill." And the grand jury not having completed their labors, were adjourned over till to-morrow morning at 10 o'clock.

The indictment is in the words and figures following, to wit:

Circuit court for the county of Botetourt. Special term, 1862, Botetourt County, to wit:

The grand jurors, empanelled for the body of the county aforesaid, upon their oaths present that Joseph Shuman and Amandus E. Ludwig, laborers, late of said

county, at the county aforesaid, on the second day of June, in the year one thousand eight hundred and sixty-two, and within the jurisdiction of this court, one slave named Jack, of the goods and property of a certain Archibald Graham, of the value of six hundred dollars, then and there found, did then and there steal, take, and carry away, to the great damage of the said Graham, contrary to form of the act of assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Virginia. And the jurors aforesaid for the county aforesaid, upon their oaths aforesaid, further present that the said Joseph Shuman and Amandus E. Ludwig, laborers, late of said county, at the county aforesaid, on the day and year aforesaid, and within the jurisdiction of this court, did then and there attempt to carry off and aid and connive at the escape out of the county aforesaid of a certain slave named Jack, of the value of six hundred dollars, the goods and property of a certain Archibald Graham, with intent to defraud and deprive the said owner of his said slave, and without his consent, to the great damage of the said Graham, contrary to the form of the act of assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Virginia. Upon the information of Mr. McCurdy, Alexander McCurdy, and William A. Humphries, witnesses sworn in court and sent to the grand jury to give evidence.

A true bill.

HENRY M. BOWYER,
Foreman.

And on the day and year last aforesaid were had the following proceedings, viz:

COMMONWEALTH
vs.
JOSEPH SHUMAN AND AMANDUS E. LUDWIG. } Upon an indictment for felony.

Joseph Shuman and Amandus E. Ludwig, late of the county of Botetourt, who stand indicted for felony, were led to the bar in custody of the jailer of this court, and thereupon the prisoners were arraigned and pleaded jointly not guilty to the indictment and for their trial put themselves upon the country. And thereupon came twenty-four persons duly summoned according to law, who were examined by the court and found to be free from exceptions and lawfully qualified to serve as jurors, and from the panel of twenty-four persons, the prisoners having struck off eight of the names thereof, the following jury was selected from the remaining sixteen by lot, to wit: Marcus D. McCluer, George W. Dillon, Alexander Fellers, John Layman, Philip Loop, Moses Watkins, George Zimmerman, sr., John Rader, Elijah Harris, Joel Burger, Michael Graybill, and Samuel Burger, jr., who were elected, tried, and sworn the truth of and upon the premises to speak, and there not being time to complete the trial the jury were adjourned over till to-morrow morning at 10 o'clock, and Lewis Linkenhoker, sheriff of this county, and James Rowland, deputy sheriff, were sworn according to law to keep the jury together and not to permit any person to have any communication with them till they should return to court in the morning. Thereupon the prisoners were remanded to jail and the court adjourned till to-morrow morning at 10 o'clock.

Thursday, the 14th day of August, 1862, the court met pursuant to adjournment. Present, the same judge as on yesterday.

COMMONWEALTH
vs.
JOSEPH SHUMAN AND AMANDUS E. LUDWIG. } Upon an indictment for felony.

The prisoners were again brought into court in custody of the jailer of this county. The jury adjourned over on yesterday appeared in court pursuant to adjournment, and having fully heard the cause upon their oaths, returned a verdict in these words:

"We, the jury, find the prisoners guilty upon the first count in the indictment, and ascertain the term of imprisonment of each of them, respectively, to be two years in the public jail and penitentiary house, and we find them not guilty on the second count."

And thereupon the prisoners were remanded to jail.

And on the same day and year last aforesaid the following further proceedings were had, viz:

COMMONWEALTH
vs.
JOSEPH SHUMAN AND AMANDUS E. LUDWIG. } Upon an indictment for felony.

Joseph Shuman and Amandus E. Ludwig, late of Botetourt County, who stand convicted of felony (in stealing a negro), were again led to the bar in custody of the

jailer of this court; and thereupon it being demanded of them if anything for themselves they had or knew to say why the court should not now pronounce judgment against them according to law; and nothing being offered or alleged in delay of judgment, it is considered by the court that the said Joseph Shuman and Amandus E. Ludwig be imprisoned, each of them, respectively, in the public jail and penitentiary house of this Commonwealth for the term of two years, the period by the jurors in their verdict ascertained; and it is ordered that the sheriff of Botetourt County, do, as soon as possible after the adjournment of this court, remove and safely convey the said Joseph Shuman and Amandus E. Ludwig from the jail of this court to the said public jail and penitentiary house, therein to be kept imprisoned and treated in the manner directed by law; and the court doth certify that on the trial of the said Joseph Shuman and Amandus E. Ludwig nothing appeared to the court either in aggravation or extenuation of the offense of the said Joseph Shuman and Amandus E. Ludwig; and thereupon the said Joseph Shuman and Amandus E. Ludwig were remanded to jail.

Ordered, That the sheriff of this county in conveying Joseph Shuman and Amandus E. Ludwig to the penitentiary be authorized to employ one person, as a guard, in addition to the guard allowed by law.

A copy. Teste.

G. W. WILSON, *Clerk.*

[Inclosure No. 4.]

GAULEY BRIDGE, W. VA., *November 8, 1863.*

SECRETARY OF WAR:

I arrived here on yesterday. Joseph Shuman and Edward [Amandus E.] Ludwig, of Fourth Maine Infantry, were sent to the penitentiary from Botetourt County in October, 1862, for the term of three years, upon the false charges of negro stealing.

Anderson Crawford, of Maryland regiment, has been in same county prison upon the false charge of horse stealing. I was especially recommended to call your attention to the above cases.

W. P. RUCKER, M. D.

NOVEMBER 12, 1863.

NOTE.—Wrote to General Meredith on the subject, to inform Mr. Ould (rebel agent), and that we should [retaliate?] if the statement is true, unless contradicted without reserve.

E. A. HITCHCOCK,
Major-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 18, 1863.

CHARLES C. FULTON, Esq.:

SIR: Your letter of the 9th instant, and the $2,000 in Virginia bank notes for the relief of Maryland prisoners, have been received. The fund will be faithfully distributed under the direction of Mr. Cowardin and due and proper returns made to you. I hope that the manner in which this or any other request which you may make for the relief of your prisoners is received will be some proof of the utter falsity of the recent reports which have been in circulation in Northern journals.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

[NOVEMBER 18, 1863.—For West to Taylor, in relation to exchange of prisoners, see Series I, Vol. XXVI, Part II, p. 426.]

Affidavit.

NEW ORLEANS, *November 19, 1863.*

I solemnly swear that when I was at Monroe, La., a prisoner in the hands of the Confederates, June 27, 1863, I was allowed to go about on parole and learned from various parties, and among them soldiers belonging to the Confederate army, also some Union ladies entitled to belief, sufficient to satisfy me that two United States officers, one a captain and the other a lieutenant of African troops, taken prisoners while on a scout at Milliken's Bend, on or about the 6th June last, after imprisonment two days in the court-house at Monroe, were taken out and murdered by the enemy, and when I got to Shreveport I found that it seemed to be the common talk there.

I further depose and say that on Tuesday, July 14, 1863, I was in Shreveport, and on that day Dick Taylor's prisoners, captured from the U. S. forces at Brashear City, arrived there, and among them were two commissioned officers, from what I learned, of the Corps d'Afrique, who were separated from the rest and put in solitary confinement, with a ball and chain, and General Banks has the names of these two officers.*

E. J. COMER.

NEW ORLEANS, *November 19, 1863.*

Sworn before me
[L. S.]

HENRY L. PIERSON,
Captain and Assistant Adjutant-General.

Address:
Care NORTHRUP & CO.,
33 Front street, Memphis.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 20, 1863.

COMMANDING OFFICER FORT WARREN,
Boston Harbor, Mass.:

SIR: The Secretary of War directs that you afford all proper facilities to the British consul at Boston for visiting prisoners of state who are actually British subjects in confinement at Fort Warren, unless in those cases where unusual and urgent considerations require a contrary course.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS PAROLED AND EXCHANGED PRISONERS,
Enterprise, Miss., November 20, 1863.

In conformity with the orders of the President of the Confederate States, I assume command of the prisoners captured and paroled at Port Hudson and Vicksburg.

The place of rendezvous for both garrisons is fixed at Enterprise.

Of these prisoners some have been organized, exchanged, and returned to the field. The rest should be prepared to follow their comrades at the earliest moment. The emergencies of the service, as well as the brilliant pages they have already contributed to the history of this war, demand this. To accomplish it they must be in hand, well disciplined, and ready to resume their arms as soon as exchanged. It

* See Taylor to Franklin, December 23, 1863.

is hoped, therefore, that the gallant men who, by their courage and heroic sacrifices, have made Vicksburg and Port Hudson immortal, will need no new appeals to induce them to make their future military history as glorious as their past. It is not enough, soldiers, for you to say you will come to the camp when exchanged. The cartel which authorized the parole under which you were released was framed by two parties, of which your Government was one. It represented you in that act and it alone has the power to construe for you its meaning and intention. It has construed it so far as to declare that there is nothing in the language or purpose of the parole authorized by it to deprive either Government of the right to assemble its paroled prisoners in camps for organization and discipline, to be held there subject to orders for active field duty as soon as exchanged. The idea, therefore, which obtains—however honestly or conscientiously—that you are free from all military control, so long as you are not exchanged, is fallacious and not sustained by the decision of your Government. Your duty, then, is plain. It is to return to your colors, where honor and patriotism alike call you, and where our present military situation and the hope of an early exchange makes your presence necessary.

L. POLK,
Lieutenant-General.

SPECIAL ORDERS, No. 306. } HDQRS. DEPARTMENT OF HENRICO, *Richmond, November 20, 1863.*

* * * * * * *

V. Capt. C. M. Selph, C. S. Army, will report to Capt. T. P. Turner to take charge of receiving and distributing the clothing and rations sent from the United States to the Federal prisoners.

By order of Brig. Gen. John H. Winder:

J. W. PEGRAM,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 309. } HDQRS. DEPARTMENT OF HENRICO, *Richmond, November 20, 1863.*

* * * * * * *

II. Capt. D. D. Munro, Company H, Second Regiment North Carolina Volunteers, will report to Capt. T. P. Turner, commanding Libby Prison, for assignment to duty with Captain Selph.

By order of Brig. Gen. John H. Winder:

J. W. PEGRAM,
Assistant Adjutant-General.

HEADQUARTERS FORT MCHENRY, MD., *November 21, 1863.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to inform you that the surgeons and assistant surgeons of the rebel army left this afternoon in the steamer Swan, a boat specially sent for the purpose. They were sent as soon as transportation was given us. There were 120. I gave them notice the day before of the principle which should govern the amount of personal effects they were to take with them, as I knew that during the long residence of most of them in our lines considerable accumulations had been made. They were allowed to take everything they possessed when captured, and a full suit, composed either of what they owned originally or had replaced by gift or purchase. Even thus restricted, they were

richer in the aggregate by far than when they entered the lines. The examination was conducted courteously; the rule was forbearingly applied, and their own statements on honor taken as to what they had when captured. All other articles, extra suits, portmanteaus, carpet-bags, letters, money, needles, medicines, &c., were taken from them. Only a crazy head or corrupt heart could confound these lawful proceedings with a refusal to admit food to starving prisoners; but several hints were thrown out in such a way as to induce me to send everything taken from the party on the boat with them in charge of an officer. I wrote a letter to General Meredith explaining what I had done, on the ground that in these times of cruelty and barbarity to prisoners it might be wise for the Government to bear and forbear much, and that I sent the articles with the prisoners in case he might think it politic (certainly not just) to restore them. All moneys which had been received for the prisoners during their stay, or had been transferred by them to us, or delivered up to the provost-marshal under your circular, were sent to General Meredith, with statements in regard to them.

I remain, colonel, very respectfully, yours,

P. A. PORTER,
Colonel Eighth New York Vol. Artillery, Comdg. Fort McHenry.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 21. 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I herewith forward to you Major Carrington's report upon the condition of the prisons in this city, two abstracts of provisions issued for the quarter ending September 30, 1863, and Surgeon Wilkins' report on the prison hospitals. I hope the evidence furnished by these papers will be sufficient to show the utter falsity of the representations of the returned chaplains. I know Major Carrington to be a gentleman of the highest honor and veracity. I am confident that every statement in each of these papers is strictly true.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., November 18, 1863.

Brig. Gen. JOHN H. WINDER:

SIR: I have the honor to report that in obedience to orders received from you on the 16th instant, I have proceeded to inspect the military prisons in this city occupied by prisoners of war.

On the 17th instant there were—

In Libby Prison building, all commissioned officers	1,044
In Crew's Prison	453
In Pemberton's Prison	1,115
In Smith's Prison	928
In Scott's Prison	1,082
In encampment on Belle Isle	6,300
In hospital	728
Total	11,650

In the Libby Prison there are eight large rooms occupied by the prisoners, of which one is used as a hospital. These rooms are 103 by 42 feet. There is a water-closet on each floor. There is an ample supply of water on each floor, and there is also facility afforded for bathing,

of which each prisoner can avail himself at will. The prison is thoroughly policed daily and is in a cleanly condition. The officers are allowed to purchase such articles as they wish, not prohibited by the rules of the prison, and a competent person is employed whose sole business it is to make these purchases.

The other buildings, used as prisons for the privates, are comfortable, are policed thoroughly each day, and are in a cleanly condition. Scott's Prison and Pemberton's Prison are at present crowded somewhat beyond their capacity for health and comfort, if the number now confined in them were kept any considerable length of time. This evil is temporary, arrangements having been made to remove a portion of these prisoners to quarters now in course of preparation. The men are generally comfortably clad. I observed some few of the privates who were suffering for clothing. The supply of clothing and blankets sent for them from the United States is now being distributed by officers of the U. S. Army selected from the prisoners. The encampment at Belle Isle contains 6,300 prisoners, all privates and non-commissioned officers, who are quartered in tents. The tents are pitched on an island, upon a dry knoll, from which the surface water is thoroughly drained. The contiguity of the river renders the police of the camp easy. There is an abundance of excellent water, afforded by eight wells within the encampment. The camp is thoroughly policed daily. I observed that some of the tents were dilapidated by weather and some injured by carelessness in building fires. A supply of tents has been sent to the island to supply these deficiencies.

I return a report made by Surgeon Wilkins on the condition of the hospitals occupied by the prisoners. The buildings occupied are comfortable and well furnished, the supplies are ample, the attendance fully equal to the wants of the patients, and my inspection fully confirms the report of Surgeon Wilkins.

I file a copy of abstract of provisions furnished prisoners of war in this city for the quarter ending September 30, 1863. The average number of prisoners during this quarter was 4,933. The abstract shows the actual amount of provisions issued. In addition to this an additional amount was issued as "extra provision" to the hospitals, an abstract of which is also filed. It will be seen from these abstracts that the prisoners received during this quarter within a small fraction of the army ration. If the extra issue be included, the amount is fully made up. Upon full inquiry and examination not only of the officers in charge, but of the subordinates, I learn that during the present quarter there have been issued full rations of all the articles mentioned in the abstract, excepting meat. Owing to the large number of prisoners suddenly consigned to their care without notice, the officers have not always been able to provide a full ration of meat. The deficiency has never existed but for a short time, and whenever it did exist it was remedied as far as possible by extra issue of other articles.

The ration now being issued consists of one pound of bread, half pound of meat, half pound of potatoes, rice or beans, vinegar, soap, and salt, according to the regulations. The bread is baked at bakeries and weighed to the commissaries of each prison. I inspected the bakeries and found them well conducted. The meats and other articles are cooked at the prisons. The provisions are weighed and measured to messes of 100 men each, and are delivered to one of their own number selected to receive and distribute it.

I inspected the kitchens and found the arrangements for cooking good and in good order; care is taken to lose nothing from the rations,

and once each day each prisoner has soup, made from the water in which the meat is boiled, with the addition of rice and beans.

I doubt not but what there are cases of individual hardship and suffering; they are unavoidable in the management of such a number of men; they may proceed from accident, from the abuse of authority of a subordinate officer, from the neglect of the prisoner himself, or from the cruelty of his fellow-prisoners.

On the day I made this inspection a prisoner complained to the officer in charge that he had had nothing to eat since the day before, and that he was starving. On investigation it appeared that the sergeant who was intrusted with the distribution to his mess, and who was also a prisoner, had refused to give him his ration. In another case, one of the prisoners was found badly beaten and robbed of his clothing by some of his fellow-prisoners. Some among them are in a very filthy and disgusting condition, simply because they will not avail themselves of the opportunities for cleanliness accessible to them.

I have the honor to be, very respectfully, your obedient servant,

ISAAC H. CARRINGTON,
Major and Commissioner.

[Inclosure No. 2.]

Abstract of extra provisions issued to C. S. military prison hospital and bakery for the quarter ending September 30, 1863, by J. Warner, captain and assistant quartermaster.

Date.	Voucher.		Wheat, rye, or coffee.	Sugar.	Carrots, potatoes, turnips.	Snaps.	Meal.	Butter crackers.	Cabbage.	Lard.	Milk.	Yeast.	Mutton.	Beets.
1863.			*Lbs.*	*Lbs.*	*Bush.*	*Bu.*	*Pk.*	*Lbs.*	*Heads.*	*Lbs.*	*Gal.*	*Qt.*	*Lbs.*	*Bunch.*
July 1	2	Hospital	------	------	1	-----	-----	-----	279	-----	-----	-----	-----	20
13	6	Bakery	------	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
18	12	Hospital	------	------	74	-----	-----	-----	308	-----	-----	-----	-----	77
22	14	.....do	------	------	-----	-----	-----	-----	-----	104	-----	-----	-----	-----
Sept. 30	17	.....do	------	------	-----	-----	-----	-----	70	-----	-----	-----	-----	-----
July 30	20	.....do	------	1,302	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
31	22	.....do	------	------	-----	-----	-----	-----	-----	-----	$15\frac{1}{2}$	-----	-----	-----
31	23	.....do	------	------	-----	-----	-----	-----	880	-----	-----	-----	-----	403
31	24	.....do	------	------	$4\frac{1}{2}$	-----	-----	-----	530	-----	-----	-----	-----	108
31	25	.....do	------	------	$13\frac{1}{2}$	-----	-----	-----	524	5	-----	-----	-----	191
31	26	.....do	------	------	-----	-----	-----	-----	-----	104	-----	-----	-----	-----
Aug. 1	27	.....do	------	------	-----	-----	-----	-----	-----	-----	52	-----	-----	-----
1	28	.....do	------	------	-----	-----	-----	-----	-----	-----	178	-----	-----	-----
1	29	.....do	56	------	-----	-----	-----	-----	-----	2	-----	-----	-----	-----
8	30	.....do	------	------	-----	-----	-----	-----	1,260	-----	-----	-----	-----	150
15	31	.....do	------	------	5	-----	-----	-----	590	-----	-----	-----	-----	108
23	32	.....do	------	------	8	-----	-----	-----	1,310	-----	-----	-----	-----	213
31	36	.....do	------	------	-----	-----	-----	-----	-----	294	-----	-----	-----	-----
31	37	.....do	$7\frac{1}{2}$	$33\frac{1}{2}$	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
31	38	.....do	------	------	-----	-----	-----	-----	-----	-----	186	-----	-----	-----
31	40	.....do	------	------	-----	-----	-----	-----	-----	-----	$15\frac{1}{2}$	-----	-----	-----
Sept. 1	41	.....do	------	------	$10\frac{1}{5}$	-----	-----	-----	850	-----	-----	-----	-----	114
1	42	.....do	------	------	11	-----	-----	-----	1,510	-----	-----	-----	-----	-----
2	43	.....do	98	------	$\frac{3}{4}$	-----	-----	-----	-----	-----	-----	-----	-----	-----
7	45	.....do	------	------	-----	-----	-----	-----	-----	-----	62	-----	-----	-----
10	46	.....do	------	------	3	-----	-----	-----	-----	-----	-----	-----	-----	-----
15	49	.....do	------	------	11	-----	-----	-----	1,835	-----	-----	-----	35	-----
16	50	.....do	------	------	10	-----	-----	-----	-----	-----	-----	-----	-----	-----
19	51	.....do	------	------	43	-----	-----	-----	-----	-----	-----	-----	-----	-----
21	52	.....do	------	------	$\frac{2}{5}$	-----	1	-----	-----	-----	-----	1	-----	-----
22	54	.....do	------	------	$8\frac{1}{2}$	-----	-----	-----	430	-----	-----	-----	-----	120
24	55	.....do	------	------	-----	-----	-----	20	-----	-----	-----	-----	-----	-----
25	56	.....do	------	1,080	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
25	58	.....do	------	------	45	-----	-----	-----	-----	-----	-----	-----	-----	-----
25	59	.....do	------	------	9	$\frac{3}{4}$	-----	-----	4	-----	-----	-----	-----	20
26	60	.....do	28	------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
14	64	.....do	------	3,600	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
		Total	$189\frac{1}{4}$	$6,015\frac{1}{2}$	$184\frac{1}{10}$	$\frac{3}{4}$	1	20	10,380	509	509	1	35	1,524

Abstract of extra provisions issued to C. S. military prison hospital, etc.—Continued.

Date.	Voucher.		Onions.	Hops.	Eggs.	Chickens.	Butter.	Corn.	Pepper.	Black beans.	Cucumbers.	Tomatoes.	Squash.	Greens.
1863.			*Bunch.*	*Lbs.*	*Doz.*	*No.*	*Lbs.*	*Bush.*	*Strings.*	*Qts.*	*Doz.*	*Bu.*	*Doz.*	*Bbls.*
July 1	2	Hospital	21											
13	6	Bakery		144										
18	12	Hospital	87		9	6								
22	14	do												
Sept. 30	17	do			19	19			2					
July 30	20	do												
31	22	do												
31	23	do									157	78	208	1
31	24	do	17		49	16				7		$1\frac{55}{32}$		
31	25	do	20				30				$23\frac{1}{2}$		25	
31	26	do						12						
Aug. 1	27	do												
1	28	do												
1	29	do				6								
8	30	do									297		273	
15	31	do	$17\frac{1}{2}$		74	20						5		
23	32	do	2					*a* 240				$6\frac{1}{2}$	245	
31	36	do												
31	37	do							*b* $\frac{1}{2}$					
31	38	do												
31	40	do												
Sept. 1	41	do	$37\frac{1}{2}$		50	30						9		
1	42	do					5	*a* 85			6	6	219	
2	43	do	10											
7	45	do												
10	46	do												
15	49	do					10		$29\frac{1}{4}$			13	196	
16	50	do												
19	51	do												
21	52	do	$6\frac{1}{4}$		52	27			*b* $\frac{1}{2}$ 2					
22	54	do										$5\frac{1}{16}$		
24	55	do												
25	56	do												
25	58	do												
25	59	do										$\frac{3}{4}$		
26	60	do												
14	64	do												
		Total	$218\frac{1}{4}$	144	253	124	45	*a* 325 12	*b* 1 $33\frac{1}{4}$	7	$483\frac{1}{2}$	$46\frac{29}{32}$	1,166	1

a Dozen. *b* Pound.

I certify that the above abstract is correct.

J. WARNER,
Captain and Assistant Quartermaster.

Approved:

JNO. H. WINDER,
Brigadier-General.

[Inclosure No. 3.]

Abstract of provisions issued to the C. S. military prison at Richmond, Va., by J. Warner, captain and assistant quartermaster, in the quarter ending September 30, 1863.

Libby Prison, July 1 to September 30:

Rations		453,845
Beef	pounds	400,641
Bacon	do	36,545
Flour	do	510,311
Beans	bushels	509
Rice	pounds	19,897
Vinegar	gallons	763
Candles	pounds	1,131
Soap	do	3,729
Salt	bushels	281
	quarts	8

I certify that the above abstract is correct.

J. WARNER,
Captain and Assistant Quartermaster.

Approved:

JNO. H. WINDER,
Brigadier-General.

[Inclosure No. 4.]

GENERAL HOSPITAL, No. 21,
Richmond, Va., November 17, 1863.

Maj. ISAAC H. CARRINGTON:

SIR: Agreeable to your request, I have the honor to submit the following report of the C. S. prison hospitals under my charge in this city. At present they are three in number, exclusive of one ward in the Libby Prison building, which is used as an "office hospital." They are large and well ventilated, and until recently have been used as Confederate hospitals. The largest of them was turned over to me with all its appointments and effects, and the Confederate patients sent to another hospital. The supply of beds, bedding, and medicines is drawn from the medical purveyor, and no discrimination is made between the Confederate sick and wounded and those of the enemy. My instructions from the medical department have invariably been to treat the prisoners with kindness. They have repeatedly expressed their surprise and gratitude for the kind treatment they have received from every one connected with the hospitals, which was entirely at variance with their preconceived ideas of the treatment they might expect. The medical purveyor furnishes me with an abundance of medicines and instruments of the finest quality, also with bedding and all other articles necessary for the comfort of the sick, including tea and spirits. Federal surgeons who have visited our dispensary have expressed their surprise at the fine quality and abundance of medicines and instruments, which in spite of the rigorous blockade, the Confederate Government is able to furnish to the sick and wounded of that Government which has endeavored so strenuously to deprive us of a supply for even our own men. I am assisted in the discharge of my duties by a medical corps of fourteen assistant surgeons, who are skilled in their profession and attentive to every want of the sick confided to their care.

The ration issued to the hospital has been, until the last few days, one pound of fresh beef and eighteen ounces of wheat bread daily to each patient, taking my morning report as a guide as to the number. In addition to the above, Capt. J. Warner, acting commissary of subsistence, C. S. prison, furnishes me in bulk, to be used at discretion, sugar, rice, vinegar, salt, flour, meal, sweet potatoes, and pease. The ration is frequently in excess and is almost invariably of good quality. The beef furnished is always the hind quarter, as is usually furnished to the Confederate hospitals. In addition to the above articles, I am authorized to purchase any delicacies that may be required for special cases. I frequently make purchases of chickens, eggs, &c. On the 4th of November there were in hospitals 632 patients; on the 5th, 760. On the 4th the hospital steward purchased $8 in cabbages, $16 in potatoes, $6 in onions. On the 5th he purchased $8 in cabbages, $7 in onions, $5 in eggs, and $30 in rye, a substitute for coffee. Four gallons of milk are purchased daily for the use of the sick.

The vegetables purchased on the 4th and 5th are purchased daily to season the soup, which is of excellent quality and well adapted to the use of the patients.

Nothing demonstrates more clearly the good treatment which they receive in hospital than the rapidity with which they recover from serious diseases and injuries and the small percentage of deaths.

Respectfully submitted.

JOHN WILKINS,
Surgeon Libby Prison Post.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 21, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have received the letter of General Hitchcock relating to the memorandum of paroles which I forwarded to you.*

General Hitchcock seems to have misapprehended my purpose somewhat in sending you that memorandum. You requested a list of the paroles which I claimed, and the paper which I sent to you was only intended to be understood as a memorandum in the way of notice to you. I did not expect you to agree to recognize the paroles therein referred to in such a general way upon the mere presentation of the paper.

The evidence which supports that memorandum of paroles is on file in my office.

If we could only have agreed upon the principle by which they should be computed and adjusted, all the rest would have been easy work. I would have presented the paroles themselves or authenticated lists of them. The fact that they were given, the circumstances under which they were given, the parties giving them, would all appear upon the face of the papers in proper form.

As General Hitchcock seems to indicate a willingness to reopen this matter, I will state for his benefit, frankly, the principles by which I propose to be governed.

First. I will not claim the paroles of citizens. All the paroles which I will produce will be those of Federal soldiers in actual service at the time of capture.

Second. I will show the particular locality where the parties were captured, the command to which they belonged, the command which captured them, and the precise date of each transaction.

Third. I will accompany the presentation with such full and particular evidence as will enable you to verify the truth of the case by your own records and the statements of your own officers and soldiers.

Fourth. More than thirty of the forty-four items in my memorandum are cases of captures made previous to the 22d of May, 1863. It has never at any time been alleged that I had any notice before that time that paroling upon the battle-field was not to be permitted. The Federal authorities have charged against me paroles taken upon the battle-field up to that date, and have received credit for them. I would have received credit for these items many months ago if you had had paroles or prisoners of ours to have offsetted against them. I will thank General Hitchcock to inform me upon what principle he can reject those thirty-odd items. If he wants evidence that I have allowed precisely similar paroles I will furnish it.

Fifth. As to such of the paroles as were given between the 22d of May, 1863, and the 3d of July (the date of General Orders, No. 207), I shall contend that they shall be allowed under the provisions of paragraph 131 of General Orders, No. 100. I will allow any similar paroles given to you during the same period.

Sixth. As to all paroles given after the 3d of July, 1863, I will allow General Orders, No. 207, to have full force. No paroles from and after that date are to be valid, unless the paroling is in pursuance of the agreement of the commanders of two opposing armies.

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* See November 6, p. 471.

Seventh. In my memorandum the officers and non commissioned officers are reduced to privates. There are but very few, if any, commissioned officers on the lists. They have already been exchanged and checked off. This is of itself proof that your authorities have heretofore recognized these paroles. The lists and paroles will show the grade of all the parties.

Eighth. I have been greatly misunderstood by General Hitchcock if he thinks I have refused to be governed by your general orders. General Hitchcock says: "We appeal to those orders, and intend to be governed by them, and if the enemy would assume them, and be governed by them also, all difficulties on the subject of paroles would cease."

I have already expressed my willingness to be governed by your general orders "on the subject of paroles." It was my original proposition. I adhere to it still. Let, then, "all difficulties cease."

Ninth. If our present difficulties are to cease, let me, for the sake of future harmony, suggest that there be some definite meaning attached to the phrase "commanders of two opposing armies." Who are such commanders?

We can readily understand that General Lee and General Meade are such. But is General Thomas the commander of one of the opposing armies at Chattanooga, or is it General Grant? Was General Pemberton the commander of an opposing army when he was subject to the orders of General Johnston, who was in his immediate neighborhood? Was General Gardner the commander of an opposing army at Port Hudson? If so, is not every one who holds a separate command such a commander? Does size constitute an army? If a captain or lieutenant is on detached service, is he the commander of an opposing army, and can he be released on parole by an agreement made with the officer who captured him, if he also is on detached service? I make these inquiries of General Hitchcock in no captious spirit.

They do present difficulties to my mind, and I should like to know what is to be considered as the true interpretation of the phrase. All the captures after the 3d of July, 1863, which I ask you to recognize, were in pursuance of an agreement between "the commanders of two opposing armies." I cannot see how any difficulty can arise between General Hitchcock and myself after his letter, except as to captures between May 22, 1863, and July 3, 1863. They are but very few in number.

I will thank you to send this letter, or a copy of it, to General Hitchcock.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 21, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: In the matter of the proposed exchange of Lieutenant-Colonel Kyle, Forty-sixth Alabama, for Lieutenant-Colonel Hunter, One hundred and twenty-third Ohio, I have the honor to submit the following:

I have no doubt but that in an exclusively military point of view we would be no losers by the exchange. In all probability we would be gainers. But there are other considerations connected with the subject of special exchanges which have fully confirmed me in the belief that a resort to them is impolitic in the present condition of affairs.

First. There is now a great pressure upon the Lincoln Government from the friends of certain officers in favor of a system of general exchange. If these officers are specially exchanged their friends cease their efforts, and the pressure is diminished *pro tanto*. Lieutenant-Colonel Hunter is one of the most prominent of this class. I am strongly of the opinion that he should be held for the benefit of our imprisoned officers generally.

Second. It would establish a precedent which, if not followed by us, would produce dissatisfaction amongst our officers now in confinement and their relatives and friends amongst us. The friends of other officers would immediately send in similar applications. If their requests were complied with the end of the matter would be that all the Yankee officers now in our hands would be released, while more than a thousand of ours would remain in Yankee prisons subject to any outrage or oppression which the enemy might choose to inflict upon them. The only case of a special exchange lately arranged is that of General Kemper for General Graham. That was done under very peculiar circumstances and with your express approbation. It cannot fairly be used as a precedent.

Third. Another very grave objection to special exchanges is found in the necessity which would be imposed upon us of making selections from our officers now in confinement. When all or nearly all have done so well those who would be left behind and their friends would be very apt to think they had just grounds of complaint. At least a thousand officers would be in that situation after all the Yankee officers had been specially exchanged.

For these and other reasons which might be named I do not think the proposed exchange should be made.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

SAINT LOUIS, MO., *November 22, 1863.*

Hon. E. M. STANTON, *Secretary of War, Washington:*

Trusten Polk, who is a prisoner at Sandusky, is said to be at the point of death. His daughter asks permission to visit him. I respectfully recommend that it be granted.

J. M. SCHOFIELD,
Major-General.

CHATTANOOGA, *November 22, 1863.*

Col. W. HOFFMAN:

Is it to be understood that Mr. Ould's declaration of exchange of rebel prisoners delivered at City Point July 25, 1863, is unauthorized? That we are still to consider them prisoners of war and, taken in arms, to try them accordingly? See your letter of November 6 to General Grant, with inclosure.

W. D. WHIPPLE,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, November 23, 1863—9.45 a. m.

General SCHOFIELD, *Saint Louis:*

You may allow Trusten Polk's daughter to visit him. I shall also order him to be released on parole. He is reported to be exchanged

for Mr. Anderson, of Kentucky. Instructions will be given to the superintendent at Sandusky.

EDWIN M. STANTON.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 23, 1863.

General W. D. WHIPPLE,
Assistant Adjutant-General, Chattanooga, Tenn.:

I am unable to furnish a classification of the rebel prisoners delivered at City Point to July 25. Their exchange, as announced by Mr. Ould, is recognized.

W. HOFFMAN,
Commissary-General of Prisoners.

WASHINGTON CITY, D. C., *November 23, 1863.*

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners:

SIR: Your note forwarding a copy of Mr. Ould's letter of the 18th instant, addressed to yourself, as an answer to my letter of the 13th, has been received. Mr. Ould, I perceive, states that our prisoners in Richmond receive "the same rations as soldiers in the field," according to the "regulations."

The "regulations" may be such as Mr. Ould states them to be, but that our prisoners receive the "rations" as stated is contradicted by all the evidence that has reached me outside of Mr. Ould's statement, and this evidence rests upon the statements of eye witnesses and of actual sufferers under the treatment received in Richmond and at Belle Isle, besides the testimony of facts disclosed by the visible condition of a delivery of some 180 prisoners made at City Point, many of whom died before reaching Fort Monroe from starvation, according to the judgment of a competent medical officer.

Upon the evidence above stated, the Secretary of War ordered supplies to be sent for distribution to the remaining prisoners, and this state of things induced the letter of the 13th instant, proposing to receive on parole the prisoners, and to hold them off duty until exchanged, independently of all existing difficulties on the subject of exchange.

Mr. Ould declines this offer, and proposes that if we will send to the South the prisoners in our hands, they will send ours to us, "the excess on one side or the other to be on parole."

Whatever appearance of verbal fairness there may be in this, the conduct of Mr. Ould in connection with recent declarations of exchange will not permit us to regard this proposal as made in good faith, and we cannot rely upon its being carried out by the enemy.

In the first place, the proclamation of Mr. Davis, and other public acts of those in power in the South, remain in full force, so far as we know, and are actually being enforced in the South, by which a distinction is made between classes of troops employed by the United States, and officers serving with colored troops, if taken prisoners, do not receive, and are not to receive the treatment due to prisoners of war, whilst the enlisted men of colored troops when taken prisoners, it has been publicly declared, shall be sold into slavery.

That this distinction is made actual, in the treatment of prisoners of war, we know in some cases, and have much reason to apprehend it in

others which have not been permitted to see the light. We have positive information of the fact that two colored seamen of the U. S. marine were captured near Charleston, and were not treated as prisoners of war. Two free colored young men with a Massachusetts regiment were captured near Galveston and publicly sold into slavery.

In a recent case I made a proposal to release, mutually, all chaplains, and the proposal was "cheerfully accepted," but although we delivered about or more than twice the number we received, the enemy held back the chaplain of a Massachusetts colored regiment, who was confined and in irons at Columbia, S. C.

In addition to these facts, Mr. Ould not long since declared that he would proceed to make declarations of exchange whenever he conscientiously felt that he had the right so to do, for the purpose of putting men into the field.

If this announcement means anything at all, it means that the usages of war, and the express provisions of the cartel, are subordinate to the individual determination and purposes of Mr. Ould on the subject of declarations of exchange, and, as a consequence, we must suppose that if Mr. Ould can obtain possession of the "excess" of prisoners now in our possession, he will "proceed" to declare them exchanged and put them into the field, upon what he might allege as his sense of right. When called upon for an explanation he would prepare what he might call a "tabular statement of paroles," as he recently did, made up from guerrilla captures of citizens in remote parts of the country, set down as captured at such places as Kentucky, as Tennessee, as Mississippi, or at such a place as Kentucky and Tennessee, not in any instance properly reporting to whom delivered.

Mr. Ould has shown the latitudinarian construction he puts upon his powers, and the nature of his sense of right, by writing a letter on the 10th of October which he has not thought it necessary to communicate to us, but which has been published in a Richmond paper, by which he took upon himself the power to declare that the whole number of men delivered by General Banks at Mobile, embracing several thousand men captured at Port Hudson, were under no obligation to observe their parole.

Mr. Ould has been a mere agent under the cartel, and when a question comes up as to the import of the cartel, its meaning, &c., Mr. Ould has no power to decide the question, for that belongs to the parties by whose authority the cartel was made.

The cartel provided two places for the delivery of prisoners of war, City Point and Vicksburg, but it provided also that when these places, or either of them, should become unavailable by the exigencies of war some other point might be agreed upon. Vicksburg, having fallen into our hands, became unavailable, as contemplated by the cartel, and General Banks agreed with the rebel commander in the field that General Banks would deliver the Port Hudson prisoners on parole, and they were delivered accordingly.

Mr. Ould knew that those men were unconditionally in the hands of General Banks. They had been "reduced to possession" and had been taken to New Orleans, and might have been sent North if General Banks had pleased.

Instead of sending them to the North to swell the number of prisoners of war in our hands at the North, General Banks confided in the honor of a rebel commander and "agreed" to parole those men at Mobile, Vicksburg being, by the exigencies of war, no longer available as a place of delivery.

In that state of things Mr. Ould takes upon himself to decide that the delivery at Mobile was invalid, that place not being named in the cartel for the delivery of prisoners.

With a sense of right so obtuse as this act indicates, it is doing no injustice to Mr. Ould to say that we cannot confide in any pledge he would make to carry out a special agreement, and we must accordingly decline to acquiesce in any measure which would throw into his hands a large body of prisoners of war under parole to be by him released from its obligations according to his sense of right.

You will understand from the above statement that Mr. Ould's decision touching the prisoners delivered by General Banks is not recognized as justifiable or valid, and that we claim that they are still prisoners of war on parole.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

[First indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 28, 1863.

Respectfully forwarded to Hon. R. Ould, calling his attention to contents.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

[Second indorsement.]

DECEMBER 1, 1863.

Protesting that the statement of facts contained in this paper is incorrect, I return it to its author as unfit to be either written or received.

RO. OULD,
Agent for Exchange.

[Third indorsement.]

DECEMBER 9, 1863.

It would have been more creditable to Mr. Ould if he had stated wherein the facts are incorrect. The statements are correct, and they are neither received nor answered by Mr. Ould because they convict him of improper conduct.

E. A. HITCHCOCK,
Major-General, &c.

WASHINGTON, *November 23, 1863—4 p. m.*

Brig. Gen. S. A. MEREDITH:

Please send me the declaration of Mr. Ould, made in July, announcing the exchange of General Pemberton and other officers.

W. HOFFMAN,
Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 23, 1863.

Brig. Gen. G. MARSTON,
Comdg. Depot Prisoners of War, Point Lookout, Md.:

GENERAL: By authority of the Secretary of War, I have respectfully to request that hereafter prisoners of war may be permitted to receive

clothing or other articles only from members of their immediate family. Contributions by disloyal friends or sympathizers for the general benefit of prisoners must not be received. My letter of the 3d of August limits the quantity and kind of clothing, and other articles must be confined to such as can be allowed without detriment to the service, and which cannot be considered as luxuries.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 23, 1863.

Capt. JAMES R. CURELL,
Assistant Commissioner of Exchange:

SIR: Accompanying this you will find Exchange Notices Nos. 6 and 7* which will inform you who have been exchanged and who are not exchanged. I also inclose my recent correspondence with the Federal agent of exchange, which will serve to show the views entertained by the Confederate authorities upon certain questions which have occasioned difficulty between the Confederate and Federal commanders west of the Mississippi. I desire that you should proceed without unnecessary delay west of the Mississippi and confer with Lieutenant-Colonel Szymanski, to whom I have delivered certain written instructions. By perusing those instructions you will see how far they have been necessarily modified by the correspondence and Exchange Notices Nos. 6 and 7. The Confederate authorities expect General Kirby Smith to act in reference to the difficulty between Major-General Taylor and Major-General Banks as he thinks honor and propriety dictate. General Smith will see from my correspondence the position I have taken on this side. If General Smith prefers that I should take action here in reference to those difficulties I will do so if he will forward to me authenticated lists of the Federal prisoners who have been released on parole within his department, stating in those lists when and where the parties were captured, by whom captured, and when and where paroled, and whether they were allowed after parole to go to their own lines. Whatever disposition was made of them after parole should be stated on the face of the papers. The Federals parole men without releasing them.

You will please inform Generals Smith and Taylor that I have received and read the correspondence between the latter and General Banks. If I receive authenticated lists of the paroles given by the Federals west of the Mississippi I will act upon them and discharge a like number of our Vicksburg prisoners, unless I hear in the meantime that the same thing has been done by General Smith and General Taylor.

You will please inform Lieutenant-Colonel Watts that I have no desire that he shall remain in Mobile; I would prefer that he should reside at a point as near as possible to Vicksburg.

I have recently received from General Forney the lists of the Vicksburg paroled men who have reported at Enterprise. I have also received lists of some prisoners who have reported at Marietta. The latter belong to the artillery. In a very few days I will declare these exchanged. It is not impossible that general exchanges will soon be resumed. There are some indications in that direction. Until, however, general exchanges are resumed all the prisoners now in our custody should be held and not delivered at any point. It is expected that

* See pp. 295, 388.

the assistant commissioner of exchange will aid in every way in bringing in paroled and exchanged men within the parole camps, and in the event that exchanges are resumed and parties released on parole that they should communicate such instructions and such forms as will make the lists effective.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

WASHINGTON CITY, D. C., *November 24, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Sir: I have read the communication of Major-General Butler of the 18th instant, addressed to the War Department, on the subject of the exchange of prisoners, and beg to remark that the proposition of Mr. Ould has not been, as General Butler seems to suppose, to exchange man for man and grade for grade, leaving in the hands of one or the other party any excess there might be, still prisoners of war; but his proposition is to deliver all on both sides, the excess to be on parole, who would thus be within the lines and at the disposal of the enemy.

More than two months ago I handed a written suggestion to the General-in-Chief, by whom it was submitted to the Secretary of War, to wit, to exchange prisoners mutually, as far as the enemy would exchange man for man or grade for grade, it being my design to hold the excess, to be used, as General Butler suggests, to force out of the hands of the enemy such officers and men as they might retain on the plea that they were captured with colored troops.

That proposal was negatived on the ground that such an exchange would be a virtual acquiescence in the publicly declared purpose of the enemy not to treat colored troops, when captured, as prisoners of war. This declaration exists in the published proclamation of Mr. Davis, and in an act of the so-called Confederate Congress, while their newspapers, from one end of the country to the other, have rung out the declaration in every form, that they will never agree to treat colored troops as prisoners of war, asseverating, in the strongest language, that it would be a complete surrender of all they are fighting for in the South. Mr. Ould's offer to exchange all prisoners on both sides, the excess to be held on parole, is positively deceptive and delusive, and had for its purpose, as I am bound to say, to get into the power of the South the excess of prisoners now in our hands, in order to set them free from their parole by an offset, not of prisoners captured with colored troops, who we have every reason to believe would not be exchanged, but by parading a long schedule of alleged captures in the West and South by guerrilla parties, ranging over portions of Kentucky, Tennessee, Mississippi, Missouri, Texas, &c., where non-combatants have been swooped in by whole villages, and put under some form of oath not to take arms, and this class of men, not soldiers captured on the field of battle, Mr. Ould wishes to use as against the captured troops in our possession, who have been taken on bloody battle-fields.

This is what Mr. Ould has already done for the purpose of putting into the field the troops captured by General Grant at Vicksburg, and who were unfortunately paroled in the South.

But this is not the main point. We have positive evidence that Mr. Ould, or the authorities in the South, do not intend to deliver up colored troops, or officers captured with that class of troops.

Only a few weeks since I proposed a mutual exchange of all chaplains held on either side, we having two for one against those held in the South. Mr. Ould professed to accept the proposition "cheerfully," as he expressed it in his note. We sent all we had in good faith; but now I have indubitable evidence that a chaplain of a Massachusetts colored regiment, captured near Charleston, has been withheld, and is now in heavy irons at Columbia, in South Carolina.

We know also that two colored marines are in irons in a Charleston prison, and have been for months, if they have not been otherwise disposed of contrary to the laws of war. I have just received what purports to be the proceedings of a Virginia State court, by which two Union men, whom I have reason to believe are officers of colored troops, have been sentenced to the penitentiary on the allegation of negro stealing; and the Governor of Virginia has indorsed, on my demand for their history, his declaration that they shall remain in the penitentiary while he remains Governor of Virginia. We know also that two free colored lads were taken prisoners, belonging to a colored regiment, near Galveston, and were publicly sold into slavery.

By the force of public edicts in the South, captured colored troops are delivered over to State authorities, to be disposed of under State laws; and when Mr. Ould is called upon to give some account of that class of captured troops, he answers, as he did verbally, recently, to General Meredith, that he had no troops of that class in his possession. It is most likely, because, if suffered to live, they are in Southern penitentiaries.

It is undeniable that, if Mr. Ould's seemingly fair verbal proposition for a general exchange takes place, we shall lose all the advantages we now possess, and shall gain nothing toward the point of compelling the enemy either to surrender the colored troops now in his hands, or pledge himself to their proper treatment hereafter.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 24, 1863.

Maj. Gen. J. B. MCPHERSON,
Commanding, &c., Vicksburg, Miss.:

GENERAL: Mr. Ould, Confederate agent for the exchange of prisoners, complains that on the application of his assistant, Lieut. Col. N. G. Watts, for the delivery of the prisoners who were captured at Vicksburg, and who are still in that city, he was informed by Lieutenant-Colonel Strong, chief of your staff, that they have been ordered North. I have replied that those who refused to be sent back to the rebel army on parole had been sent North, but that any others remaining in our hands who desired to be released on parole would be immediately delivered to any Confederate officers appointed to receive them. This is in conformity with the stipulations of the surrender, I believe, and I have respectfully to request you will give such orders as may be necessary in the case.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, November 24, 1863.

Capt. W. S. WINDER, *Assistant Adjutant-General:*

CAPTAIN: The Secretary of War directs that a prison for the Federal prisoners shall be established in the State of Georgia. The general commanding the department directs that you proceed without delay to select a site for that purpose in the neighborhood of Americus or Valley Ford. You will go by way of Milledgeville to consult Governor Brown, and also by way of Atlanta to consult General Cobb.

You will hold yourself in readiness to return to these headquarters as soon as ordered.

Very respectfully, your obedient servant,

J. W. PEGRAM,
Assistant Adjutant-General.

SPECIAL ORDERS, } HDQRS. PAROLED AND EXCHANGED PRIS.,
No. 3. } *Enterprise, Miss., November 24, 1863.*

I. Maj. Gen. John H. Forney, will assume immediate command of all paroled and exchanged troops at Enterprise.

* * * * * * *

By command of Lieutenant-General Polk:

[T. M. JACK,]
Assistant Adjutant-General.

HEADQUARTERS PAROLED AND EXCHANGED PRISONERS,
Enterprise, November 24, 1863.

General S. COOPER, *Adjutant and Inspector General:*

In pursuance of my dispatch to you stating that I found Enterprise to be the best place at which to assemble the Port Hudson prisoners, I have announced it as the rendezvous for them. Since assuming command I find some questions disturbing the men, which I have in part settled myself, but on which I think it would be better to have a direct expression of the opinion and decision of the Department.

First. As to the construction to be put upon the terms of the paroles. It is contended by many of them that they are forbidden by that instrument from assembling in military camps at all, or performing any military duty whatever, and holding that construction they refuse to come into camp or attempt to leave at their pleasure. This impression has kept, and still keeps, a large number away from their commands, and I have reason to believe many of them are honest and conscientious in the stand taken. I have taken ground against this and have endeavored to show its absurdity, but an authoritative expression of its decision on the part of the War Department would, I think, have a more salutary effect. I therefore respectfully ask this. Many of these prisoners are plain, unlettered men, and they require to be dealt with forbearingly.

Second. While there are men who hold they may be required to come into camp, they yet scruple as to "taking up arms again" or "serving as a military police" (Vide, art. 4, Cartel), even though they are required to guard only their own stores and camps. Instructions from the Department upon this point are requested.

I find also that a large number of the prisoners of both Port Hudson and Vicksburg have gone to the other side of the Mississippi River. I desire instructions as to these. Are they to be recovered and brought back to this side, or are they to be organized on that side and turned over to the military commander of the Trans-Mississippi Department? There seems to be a want of clearness of understanding among the troops and officers on this point. If an effort is to be made to recover these men and bring them back to this side, then a settled plan should be adopted to accomplish this, and a general officer should be sent over with full authority in the premises to effect it, and he should be accompanied by as many subordinates as necessary to assist him. Indeed, such an officer should be put in charge of them in any event, whether they are to be brought over here or allowed to report over there.

I desire to know also whether there are arms and accouterments to be had and where to arm the men now in camp and coming?

It seems that certain lists of these prisoners which were taken in Vicksburg at the capture have been lost, and I find on file no means of knowing how many there were captured nor any descriptive lists of the persons captured. These are indispensable to an intelligent execution of the work with which I am intrusted. May I ask if there are such lists in the Department and for copies of them if there be? If these lists are not in the Department could they not be had by application to the commissioner of exchange of the Federal Government? We have the means of verifying what they would send.

I have the honor to be, general, respectfully, your obedient servant,

L. POLK,
Lieutenant-General.

SPECIAL ORDERS, No. 282. } HDQRS. DEPARTMENT OF HENRICO, *Richmond, November 24, 1863.*

* * * * * * *

III. Capt. T. P. Turner, commanding C. S. military prisons, will send by flag-of-truce steamer Schultz, for conveyance to City Point at 10 o'clock a. m. to-day, all the Federal surgeons now in your [his] custody.

Furnish duplicate rolls of these officers.

By order of Brig. Gen. John H. Winder:

W. S. WINDER,
Assistant Adjutant-General.

ALEXANDRIA, LA., *November 24, 1863.*

Capt. S. D. YANCEY,
Assistant Adjutant-General, Houston, Tex.:

I have been appointed agent for the exchange of prisoners for the Trans-Mississippi Department and have my headquarters at this place.

I have the honor to inclose you herewith a copy of my instructions from Col. R. Ould, agent of exchange at Richmond, which will inform you generally of the form necessary for all paroles in order to make them valid and insure their recognition by the Federal authorities.* I beg you will send me, at your earliest convenience, a complete list of all the prisoners that have been captured within the district of General Magruder, or by his command, stating rank, to what command they

* See September 25, p. 320.

belonged, where and when taken, by whom, and what disposition was made of them. Please state fully what prisoners are now in confinement within your district, and where they are located, and generally give me such other information as you may deem necessary for my guidance hereafter in my negotiations for their exchange. Be kind enough to have alphabetical rolls of prisoners now on hand forwarded to me as speedily as possible. Also notify me if any of our soldiers have been captured by the enemy within your department, with all the details, if any.

I am, captain, your obedient servant,

IG. SZYMANSKI,
Assistant Adjutant-General and Agent of Exchange.

HOUSTON, *November 24, 1863.*

Major-General MAGRUDER:

DEAR SIR: I am particularly desirous of publishing in the Telegraph at least the accompanying extracts, if not the whole circular prepared by Mr. Cone regarding Baldwin and Peebles, because an attempt is being made to create some prejudice against you on account of their arrest. The only way to meet this attempt is by placing the facts broadcast before the public. These facts will make public opinion all right. So far as giving information to the enemy is concerned the matter has already gone through the entire press of the State. No wider notoriety can be given by any further publication. The brief extracts given in your speech at Camp Lubbock and published afterward by me had the effect of silencing complaint at that time. The extracts in this statement now prepared show a deeper malignity and a more desperate disposition to treason than did those first published by far. I can but think that these will silence, if published broadcast, every murmur except from those who will not dare to give their murmurs breath. If they are published in any great numbers in a circular form some of them will be likely to fall into the hands of those who will convey them to the enemy, and if not published in great numbers they will not reach the people.

I thought of this: If you do not desire your circular to run the risk of falling into the enemy's hands, do not publish it, but let me have the statement of extracts as though I had been permitted to copy them from the original documents and I will on my own account endeavor so to put them before the public as to accomplish what you desire without your being in any way known in the matter. I respectfully submit these suggestions, actuated alone by a desire to aid you and the cause to which you are devoted.

I have the honor to be, very respectfully, your friend and obedient servant,

E. H. CUSHING.

[Inclosure.]

CIRCULAR.] HOUSTON, *November 24, 1863.*

Some time early in October last I had arrested several parties suspected of treasonable designs against the Confederate Government. Suspicion was particularly directed toward these persons by the appearance of a circular, the character of which accorded with sentiments known to have been expressed by them. Upon a diligent search being made, a large number of letters were found in the handwriting

of one of the arrested parties, and a few in the handwriting of another directed to his friends at the North. From these letters I obtained the most positive evidence of a determination upon the part of these men and others to organize for the purpose of aiding the enemy and overthrowing the Government of the Confederate States. I did not hesitate a moment in acting as I believed then, and still believe, was in strict accordance with my duty, and I cheerfully assumed the responsibility of placing these traitors in confinement.

Shortly after the arrest of Baldwin, Peebles, and Zinke I addressed the troops at Camp Lubbock, and in the course of my remarks alluded to the fact of these arrests being made, and also gave some of the reasons which influenced me in having these men taken into custody. I believe all who were present admitted the wisdom of my action; such at least I have been led to believe was the universal sentiment expressed. Since that time other arrests have been made from the fact that names were mentioned in the correspondence of these arrested parties, as friends in a political point of view, and I was determined if a dangerous organization had been effected against the Confederate and State governments that I would secure, if possible, the leaders in it. All the parties thus arrested, save in the cases of Baldwin, Peebles, and Zinke, were examined and discharged, not because there were no grounds for suspicion, but because there was not sufficient evidence against them to warrant me in keeping them in confinement.

Some of these men, perhaps, were entirely innocent of any intention to participate in the contemplated treason of those now in custody, but there were strong grounds in favor of the opinion that all whom I caused to be arrested were sympathizers with and aiders and abettors of Baldwin and his associates. I do not desire to assume authority that does not properly and legitimately attach to my position as commanding general of this district. I have no intention to usurp power and disregard the restraints thrown around me by the civil law of the land. I desire, as all good citizens should, to obey the laws and resist oppression. But there are times and circumstances when a military commander must act upon the moment, when to delay would not only be dangerous, but might be fatal, and at such time and under such circumstances I shall never shrink from the responsibility of acting.

I have caused to be sent to the Governor of the State a synopsis of the testimony against the men now in custody, together with other documents, showing the fact of an organization of a most dangerous character, and have asked that these papers be laid before the Legislature now in session, that some sufficiently stringent law may be passed by which the military authorities may be relieved from the necessity of arresting and confining men who should be dealt with by the civil tribunals. I hope the Legislature will take such action as will secure the speedy punishment of all men intending treason when the intention can be proved. If such a law be passed the evil may be eradicated.

For the information of the citizens in and out of the army I give the following statement of the evidence I have obtained from the papers of those whom I still hold in custody, which, taken in connection with that made public by me in my address at Camp Lubbock to the soldiers, will give a correct idea of what these men are and the reasons for my having placed them in confinement and away from any intercourse with the citizens of the State.

J. BANKHEAD MAGRUDER,
Maj. Gen., Comdg. District of Texas, New Mexico, and Arizona.

STATEMENT.

Upon having the office of D. J. Baldwin searched a large number of the circulars entitled "Common Sense" were found concealed among his books and papers and covered up by old documents. Upon his person was found a communication in his own handwriting purporting to have been written at Dallas and directed to one of the papers in the State. The "Common Sense" circular was dated at Dallas. All the letters obtained disclose these facts, viz: From the beginning of the war between the Confederate and United States until the moment of the arrest of these parties they have been uncompromising adherents to the Government of the United States, regarding the act of secession as treason and those engaged in or advocating the war on our part as traitors.

In the earliest letters of Peebles in my possession, which were written in the beginning of 1862 to prove the folly and madness of the Confederate States in continuing the war and the absolute certainty of the ultimate triumph and success of the Federal armies, there is not, perhaps, a single letter in the whole correspondence which is not filled with abuse and ridicule of our Government and its officers. There is breathed a spirit of hatred for those occupying civil positions under it and contempt for the army and its general. The most terrible denunciations are hurled against the prominent men of the nation, and there is no act, civil or military, of any officer in the Confederate States that is not in the opinion of these men characterized by imbecility or a want of integrity. All the generals of the Federal Army are great men and accomplished officers, and all the leaders of the Confederate forces are pigmies in comparison. The President of the United States is spoken of with respect, while the Executive of our own Government is never alluded to in more respectful terms than J. Davis, esq. The uncivilized warfare to which our enemies have resorted is defended, while our Government is abused for the manner in which the Federal prisoners are treated in their imprisonment. The monster Butler is eulogized as wise and discreet. and his infamous Order No. 28 is pronounced proper and well timed; and in view of the benefits derived from military governors in other Southern States, a governorship of that character for Texas is looked forward to with satisfaction and delight. Federal victories are discussed with pleasure, while victories on our part are always doubted, or, when established facts, regarded as discouraging.

In one of the letters of Peebles, dated October 2, 1862, he says:

I see even the Richmond papers, with hot mush in their mouths as yet, are discussing the propriety of the advantage of invading any of the enemy's country. They tremble for fear some unlooked-for disaster befalls our armies when thus out of their latitude. But as the cause is so just in the sight of God, they cannot entertain any abiding fear as to the result. Maybe, after a while, though Stonewall and Lee and Hill and Longstreet *et id* [*genus*] *omne* have gone into hell, where they are looked for, sooner or later, they may begin to doubt as well as tremble, and to fear as well as despair. These are my sentiments, at all events.

In another letter of October 5, 1862, Peebles says to Baldwin:

Your good old-fashioned letter of the 3d instant came to hand last night. It evidenced, I think, a great improvement in your feelings. So much so, indeed, that you indulge to great advantage your wonted forte for ridicule and irony. I was much entertained by your account of the "Galveston Invincibles" on their march through Houston to Sabine Pass. I had not heard of that "brave band" before. They must have been entirely out of their element on Galveston Island, where there was no fighting to do. But how is it now? The telegram we read last night set me to thinking, and I am not through my cogitations yet—and about now I am thinking that, if said telegram was true, the Federals are in Galveston at this time, unless Elmore's regiment reached Virginia Point in time to prevent their "star-spangled-bannered entry," which I cannot conclude he did. I have not thought the citizens would seriously oppose them.

In a letter of July 22, 1863, from the same party, this paragraph occurs:

Oh, how I hope it may be true that McClellan is to be recalled to the command of the Federal Army. Certainly he has more ability than all the rest, take him all in all; and except with the extreme abolitionists, he has the confidence of the American people. Doctor Shepley spoke ill of him to us, but as I then thought very unjustly—and simply because he refused to act prematurely in regard to the emancipation project. This is now an accomplished thing, and of course he (McClellan) can no longer hesitate, if he ever did, about its practicability. I am equally anxious to know that General Butler has been appointed Secretary of War. Something is due him for his great service at New Orleans, and we cannot question his ability or patriotism. Then there will be some "quaking in boots," sure enough. The author of the celebrated proclamation last January in his regard and of the money offers for his head there and elsewhere (South Carolina) will feel very comfortable, of course. Should this be so I would venture a small bet that one J. Davis, esq., never sails for an American port till his account with said hoped-for Secretary is settled. O, you may well say, "things is working."

On the 2d of August, 1863, Peebles writes to Baldwin thus:

God is great, and he has appointed good men to lead his armies—has given them banners of righteousness and weapons of truth. Who cannot see what must be the result? That item in regard to North Carolina is given without much "flourish of trumpets" on your part. Yet, if true, how it must sink the hearts of all the sensible and reflecting men in the Confederacy. That State never was fairly opposed to the Union, and a large portion of the very best of it has not to this day been forced to "bow the knee to Baal."

In a letter of September 11, 1863, Peebles alludes to "Common Sense," and says:

Yesterday I got "Common Sense," and upon a reperusal of it like it even better than I did at first. Its brevity is its greatest fault, which I think will be confessed by all its readers. Still it could not well have been longer. I will not circulate the copies generally until they shall have had time to arrive by mail from Dallas. I think the publication at this time very opportune. We were not in obvious difficulty the people would not consider; but now in our utmost need I think they will ponder over the many plain and simple truths it ventilates. "The whole need not a physician, but only those that are sick."

In another letter Peebles alludes to Baldwin being the author of "Common Sense," and compliments him upon the style, and on the 17th of September he thus writes:

I have folded, enveloped, and directed a number of copies of the document. I have lately heard from the wheat region, where wheat sells only for specie or its equivalent. The holders are said to be "rotten to the core," and their sound neighbors are reported to be doing their best to induce their ruin by impressments, robberies, and burnings. These strong measures may have the effect of reviving the patriotism of the wheat raiser, on the principle of counter irritants in medicine.

In the same letter he says to Baldwin, relative to what has been done toward the cause:

You have done nothing, not a thing. I have sent upon compulsion niggers to work upon the enemy's fortifications, but I did not let them stay a day longer than I could help, and I did it, too, even then, under loud-mouthed protest. I have also given to hospitals, which you have probably done, too, but this was for the sake of humanity. All these are the faults that can be alleged against me.

About the 1st of June, 1863, Peebles wrote that a certain day was his time for receiving overland news from Tennessee and Virginia; and in a letter dated October 2, 1863, he says:

The news I gave you from Arkansas has not got about yet, but it will in a few days, I believe. That "Grenada news" was a long time coming through the papers.

The last letter written by Peebles before his arrest, dated October 8, 1863, contains this paragraph:

Hood has lost a leg—pity! Wooden ones will be dear after this war. I have read the Lincoln letter. It has the flesh marks of old Abe's composition—terseness

and peculiarity of style, clearness, candor, heart, and humor. I think it a very good letter, well adapted to the occasion, and not such a miserable botch of bad grammar as High Private asserts it to be.

Besides these quotations from the correspondence of Doctor Peebles the following items noted down at the time of the examination of the papers will serve for further information. On the 3d of June, 1862, he ridicules Governor Lubbock, and hopes the territorial Governor and his council will be of a different stripe. On the 8th of the same month he warns Baldwin that he is watched, and proposes to him to decamp if it becomes necessary, he having two good mules for that purpose. On July 1, 1862, he speculates on the success of Jack Hamilton in Texas, and on the 8th day of the same month speaks confidently of there being something in the movement of Colonel Hamilton. On the 11th of July, same year, he says it is in no spirit of animosity to the South that he hails with delight Federal victories; they are for her benefit. And in a letter of the 13th he declares that when liberty is offered to negroes he could not expect them to sink themselves to elevate him. On the 26th of July, 1862, he states that the Union feeling in Austin is strong, and alludes to certain parties rising some day. In a letter dated September 9, 1862, he hopes the Federal Government will hasten its enrollment of 600,000 men, so as to end the war; and on the 20th of the same month he says the Federals will make the Confederacy howl before the 13th of January, 1863. On the 5th of October, 1862, he ridicules the troops that have gone to Galveston, and speaks of the Federals going into the Brazos and seizing what they might want, particularly if our folks put on any airs. In a letter dated 30th of the same month he declares the speech of Jack Hamilton in New Orleans expresses the sentiments of both himself and Baldwin. In a letter of February 10, 1863, he speaks of the deplorable condition of Federal prisoners in Houston. On the 15th he is hopeful of the ditch and dredge-boat at Vicksburg. On the 26th of April, 1863, he thinks the Confederacy on its last legs, and on the 28th thinks the people of Houston must make up their minds to the rule of Governor Banks. On May 27 he speaks of sending letters to Matamoras, and as the bearer would not be afraid of taking some risk, he and Baldwin could write what they pleased. On the 19th of July he alludes to a friend bringing "inside" news. On the 2d of August, 1863, speaks of "our friends" in person, and on the 9th alludes to information derived from "our people" several days in advance of the published news. On the 18th of the same month speaks of a spontaneous pouring in from all parts of the State certain kind of documents as a part of a plan to get up a convention. On the 20th of September, 1863, speaks of Baldwin having had a good look at the fortifications at Galveston.

A diary containing the current events of the war was found in Baldwin's handwriting, with copious Union comments upon battles, leaders, prospects, &c. Among the letters found written by Baldwin to his friends at the North there were two to his brother and one to a cousin, from which the following extracts are made. To his cousin in New Jersey he says on the 1st of October, 1863, "I write you this that I [you] may know what I in common with all of our way of thinking have suffered and gone through in this terrible war," and after enumerating the hardships adds:

> The standard of general intelligence is such that little can be hoped for from anything but an overpowering Federal army. The country must be overrun. Our newspapers, edited by Northern men renegade to their education and the land of their birth, still tell the people that the Confederacy is in a better condition than it ever was before, &c.

He says the reason why the people give credence to such statements is owing to the fact that the citizens of the Confederacy "are not so intelligent as those of the North in matters of history and geography; in fact, they know little or nothing of either." Again:

Their present ignorance leaves them below the standpoint of reason and argument, drawn from the history of other people.

In another part of this letter he says:

I hope none of our blood will hold back in this war. Let them all stand up to the Government and help to put down this infernal crew of secessionists, these rattlesnakes and cotton mouths, with whom you can no more be at peace than you could with a shovel of live coals in your bosom. Tell them if they don't root up and destroy secession that secession will root up and destroy them. The nigger is the very core of this rebellion, and it can no more be put down without the destruction of chattel slavery than you could abolish hell and leave the devil in the full plenitude of his power. Slavery, chattel slavery, slavery upheld by law and recognized as a right, must be destroyed or it will destroy all freedom in the land of the free and the home of the brave.

This is a very lengthy letter and is filled with such sentiments.

In a letter to James M. Baldwin, of New York, dated 7th of October, 1863, this same party writes: "If I were to plan a campaign against Texas I would land at the mouth of the Brazos River," &c., and then goes on to detail a plan of attack by which Texas would be swept from one end to the other. In another letter to this same brother, Baldwin, in giving a description of the society in Texas, says:

Good men, true-hearted men, have had their minds so wrought on that they entertain sentiments and perform acts at which sanity shudders and humanity turns pale. Wells to be poisoned, suppers to be given with assassins lying in wait to stab the victims when well engaged in enjoying the hospitable board.

He says even the ladies advocate such things in their midst. He calls our Government "the hell-born Confederacy," and hopes he may be instrumental in assisting "Uncle Sam" to regain the "stolen stars." The correspondence of Peebles, the letters of Baldwin, together with his diary, would fill a large volume, and what is here given to the public taken from these documents is a fair specimen of the whole.

The evidences against Zinke are obtained from citizens. He was constantly in Baldwin's office, and just before the publication of "Common Sense" he was often seen in close conversation with its author. He has been looked upon for a long time as an enemy to the Confederacy, and the fact is established that it was upon his press the "Common Sense" circular was printed. He has been regarded in the community as a dangerous and designing man, in a political point of view, before and since the war. The public have sufficient before them to determine what grounds there were for having these characters placed in such a position as to be harmless.*

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., November 25, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

SIR: I have the honor to report to you the result of an interview which I have just had with the rebel agent of exchange, Mr. Ould.

In consequence of the reports of the terrible cruelties inflicted upon our prisoners in Richmond, given to me by the Federal surgeons just

* For other correspondence (not herein published) relating to the arrest of Peebles, Baldwin, Zinke, *et al.*, see Series I, Vol. XXVI, Part II, pp. 301, 313, 328, 458.

released from captivity, I deemed it a fit opportunity to renew a proposition to Mr. Ould which, though unofficial, I stated to him would, no doubt, if accepted by him, be carried out by the U. S. authorities. The offer was this: "To send immediately to City Point 12,000 or more Confederate prisoners to be exchanged for the Federal soldiers now confined in the South." This proposition was distinctly and unequivocally refused by Mr. Ould, on the ground that it would be making 12,000 or more "special exchanges." He stated that the only condition upon which he would agree to the release of our prisoners would be that we should send South a number of Confederate prisoners equal to that of Federal prisoners in their hands, and parole and send within their lines all the remaining Confederates in the custody of the U. S. authorities.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,

Brigadier-General and Commissioner of Exchange.

WASHINGTON, D. C., *November 25, 1863.*

Brig. Gen. N. C. McLEAN,

Provost-Marshal-General Dept. of the Ohio, Cincinnati, Ohio:

GENERAL: The causes which led to the suspension of general orders directing the unconditional release of medical officers having been removed, the order is now in full force, and you will please direct that any such officers held in confinement or on parole in the Department of the Ohio be immediately sent to City Point and discharged. If there are several they should be sent together under the charge of an officer and suitable guard, with instructions to allow them to have no communication with any person by the way, nor should they be permitted to go to hotels for meals.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

ON BOARD THE U. S. STEAMER NEW YORK,

En route from City Point to Fort Monroe, November 25, 1863.

At a meeting of the medical officers of the Army of the Cumberland who were left in charge of the Federal wounded after the battle of Chickamauga and now released from Libby Prison, Richmond, Va., Surg. O. Q. Herrick, was called to the chair and Surg. John McCurdy chosen secretary.

The following was stated as the object of the meeting, viz: To collect and report a statement of facts regarding our treatment and that of our wounded by the enemy after falling into their hands. For this purpose the following committee was appointed: Surgs. H. J. Herrick, Alex. Ewing, and Joseph Fithian, who submitted the following statement collected from actual experience of their own or well-authenticated testimony:

There were established, before and after our forces fell back, two principal depots for the reception of the wounded, the one on the extreme right of the field, at Crawfish Springs, the other on the extreme left, at Cloud's farm. At these hospitals and on the field were left about 2,500 of the most severely wounded, for the care of whom forty-eight surgeons and assistant surgeons became voluntary prisoners.

The commissary and hospital supplies were very limited in consequence of the non-arrival of an expected train. No nurses remained, or at least a very insufficient number.

The enemy entered the camp of the Cloud farm hospital at 12 o'clock on Sunday, the second day of the battle, when some plundering was done, but subsequently, on the approach of re-enforcements under General Granger, fell back and did not enter again until Monday morning, when the commands under Generals Forrest and Cheatham first entered. The commanders assured us that every protection and assistance should be afforded us in the discharge of our duties. Permission was asked to go on the field to collect and attend to those of our wounded who had received as yet no care. General Cheatham said that permission could not be granted immediately, but that in two or three days there would be no objections; moreover, that our wounded would be cared for as their own. Their frank and candid statements gave the impression that what reason and humanity should dictate would be done; but it was very soon learned that here, as in other instances when their promise was secured, all that could be hoped for had been obtained. A guard was left for our protection from General Forrest's command, but it proved in the end to be an unfortunate detail for us, for they depended principally on us for rations, which was a matter of some consideration in view of our reduced supplies. Our haversacks had been carefully gathered up for their now valuable contents and every scrap that could lengthen out our supply for the thousand wounded heroes who were depending on us for support. In spite of the guard constant thieving was carried on, often by officers. Moreover, when the guard was withdrawn the officer in command stated that his orders were to take all gum and oilcloth blankets; hence followed a general plunder of the camp. Blankets and clothing were taken from the wounded and dying, also money and other valuables, in spite of all remonstrance by the surgeon in charge and the appeals and prayers of the wounded. Then, also, most of our nurses who had been allowed to assist, being selected from the captured on the field, were taken away, so that the duties of nurse, sexton, and surgeon mostly devolved on the surgeons. The deprivation of blankets at that time was a great calamity, for the nights were so cold that ice was observed in the morning one-eighth of an inch thick in basins of standing water. The wounded on the field were scattered over an area of about ten square miles, some of whom were two and three miles from water and provided with food only in small quantities from collected haversacks or as our surgeons in their daily rounds could furnish from their meager supply. They were collected in squads of from 10 to 100 each and made as comfortable as possible, with well men or those more slightly wounded to give them care. It was desired to collect them at one of the hospitals where they could have a sufficiency of water at least, but the difficulty was how could they be taken there; they were from two to five miles off, and all we had was the litter. Officials almost hourly rode up to the hospitals simply to inform the surgeon that a squad of men at such and such a point were suffering greatly for want of attention, without offering a suggestion or in the slightest manner a helping hand.

A petition was made for ambulances or wagons. An order was given by General Preston to take ambulances from any train that might be found, but there was either an understanding that such orders were not binding or else entire disregard was shown to them. Ambulances on the march, going directly past the hospitals, could not be induced when empty to take in wounded on the road and leave them as they passed, which could have detained them only a few minutes. Moreover, there seemed to be teams enough at leisure. Thus, in spite of all exertions and entreaties, the surgeons were obliged to provide as best they

could for about 800 wounded left on the field until the 26th, six days after the close of the battle. A written statement was early made to General Bragg concerning our condition. By his special order and his own team, the captain said who brought them, about 700 rations of corn-meal, salt, and hard bread, with about 100 pounds of salt pork, were issued, which were the principal rations received from the enemy while the wounded were in their hands. Three yearling steers were driven to the hospital at the farm from a drove passing. One was killed that evening, one died during the night, the other was unable to get up in the morning and was killed and eaten to save it.

On the field the rebels selected out their own dead and buried them, leaving ours, stripped of their clothing, to rot upon the field, the food for buzzards. Often we were met with the questions, "Why don't you bury your dead; what makes your men who are killed on the field look so black?"

The rebel cavalry commanded by General Wheeler took possession of the hospital of General Reynolds' division and others at Crawfish Springs on the morning of the 26th. General Wheeler and staff announced themselves to surgeons in charge of hospitals as victorious on the battle-field and that they were prisoners of war, subject to rebel authority. By order of the general, surgeons' horses and equipments were taken. He then ordered that the whisky should be produced, which he and his staff drank of, regardless of the limited supply or the necessities of the wounded. A guard was asked for to protect the hospital from the depredations of stragglers; the reply was that he had other use for his men and that we must take the chances of war. The camp was next visited by a major, lieutenant, and several privates of the Eleventh Texas Cavalry, who dashed up, ordered surgeons into line, and with drawn pistols ordered them to shell their overcoats, hats, gloves, sashes, and all side-arms at their disposal. They left on receipt of the articles demanded. The camp was then subjected to repeated plundering from straggling soldiers until the supply of blankets of all description was so reduced that not more than one-half of our wounded were protected from the cold. After filling hospital tents many from necessity were left without shelter. At this hospital, also, by General Wheeler's order, all nurses and hospital stewards were taken from the camp as prisoners of war, with one exception, where one was left to take care of a Confederate officer; so that here, also, the duties remaining for the surgeon were those of nurse, sexton, and surgeon. No assistance whatever was received from either rebel citizen or soldier.

No supplies were furnished at this hospital until the wounded were reduced to boiled wheat as their only article of nourishment, then only musty meal and putrid bacon.

The same treatment was received here as at Cloud's farm as to removing the wounded from the field and the burying of the dead; so that the wounded lay enduring thirst, hunger, cold, and pain from fatal wounds. The accumulated horror of the stench from decaying horses and their comrades in arms filled their nostrils, and yet the heart of the rebel was not moved to give a breath of sympathy. Their feelings of revenge and individual wants seemed to prompt them in all their actions toward surgeons and wounded so that instances of brutality occurred unequaled in the history of civilized warfare. While speaking of what should be done with a sergeant who was suffering from a severe wound, while en route to Atlanta, an officer said: "Take the damn Yankee out and shoot him is the proper way of disposing of him."

At Atlanta the wounded that had not been paroled were put into open sheds in the inclosure with other prisoners, where they received

little or no care or attention for some days. Blankets, pocketknives, and everything of value, except the clothing worn, were taken from the enlisted men as they were turned into the inclosure for prisoners at Atlanta. When the surgeons entered the military prisons at Atlanta they saw and conversed with Major Mosely, a Tennesseean from Nashville and major of a Tennessee regiment of cavalry. He was a skeleton, wasting by disease, lying upon a bed with a sixty-pound weight attached to his leg, and this, he said, because he was a loyal Tennesseean. Before our release from Richmond we learned from officers who had been recently sent from Atlanta to Richmond that the major had been released. The welcome messenger Death had come and knocked fetters, not only that bound him to that prison, but that might still have held him subject to the fiendish barbarity of this inquisition for treason, treachery, and torture.

The committee submit the preceding statements as examples of part of the barbarous treatment to which they and other prisoners were subjected while in the hands of the enemy.

HENRY J. HERRICK,
Surgeon Seventeenth Ohio Volunteer Infantry.
ALEX. EWING,
Surgeon Thirteenth Michigan Volunteers.
JOSEPH FITHIAN,
Surgeon Eighteenth Kentucky Volunteers.

CHATTANOOGA, *November 26, 1863.*

Maj. Gen. H. W. HALLECK, *General-in-Chief:**

* * * * * * *

Many stragglers have been picked up to-day—perhaps 2,000. Among the prisoners are many who were paroled at Vicksburg. What shall I do with them?

GEO. H. THOMAS,
Major General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., November 26, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

SIR: I have the honor to report that in accordance with your instructions I yesterday proceeded to City Point and obtained an interview with the rebel agent of exchange, Mr. Ould.

Before seeing him I conversed with many of our surgeons who had just been released from the Richmond prisons, and obtained from them an account of their treatment, and also testimony in regard to the horrible sufferings of our men, especially those confined on Belle Isle.

I communicated to Mr. Ould the accounts which I had of the shameful and barbarous treatment of our prisoners, strongly remonstrating at the conduct of the Confederate authorities.

Mr. Ould expressed great astonishment and denied that our prisoners were ill treated. I told him I would produce the evidence of ninety-five surgeons who were on the adjoining boat, and, if necessary, I would put them under oath as to the truth of their testimony, and asked him if he would still doubt the statements which they had made. Mr. Ould stated that he was still incredulous, but that if I knew any responsible

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* For portion here omitted see Series I, Vol. XXXI, Part II, p. 91.

surgeon for whose truth and respectability I could vouch, he would listen to any statement made by him and give due credence thereto. I immediately sent for Doctor Bowes, with whom I was acquainted, and questioned him in Mr. Ould's presence as to the quality and quantity of rations issued to our prisoners in Libby Prison, Richmond. Doctor Bowes testified that for the four days preceding no meat at all had been issued to our prisoners, the ration consisting of about three-quarters of a pound of bread made from unsifted corn-meal and one sweet potato per man for twenty-four hours. After Doctor Bowes had retired, Mr. Ould suggested that he would like to have the testimony of Doctor Myers, assistant surgeon, U. S. Navy.

Doctor Myers was sent for and stated that he could not speak as to the condition of affairs at the prisons as he had been in the hospital, but that no meat had been served to the patients there for the four preceding days, and that the ration was the same as that described above by Doctor Bowes. Mr. Ould expressed great astonishment at hearing these statements, saying that the Confederate authorities had issued strict orders that our prisoners should have the same rations as their men in the field and throwing the responsibility of these outrages upon the subordinate officers at the prison, stating that he would himself investigate the matter and see that the officers in fault should be discharged and properly punished for such outrageous inhumanity.

In this connection I deem it proper to state that the provisions I sent to our prisoners by order of the War Department were in Richmond on the 18th instant; they had therefore been there two days at least before our prisoners were first deprived of meat. This fact, in connection with two statements, one from Surgeon Myers, U. S. Navy, and one from Surgeon Meeker, U. S. Volunteers, to the effect that they had heard that the rebels were forwarding these provisions to General Lee's army, has induced me to postpone forwarding any more supplies until I can satisfy myself that the rebels are not misappropriating them. I inclose the statements herewith, marked A and B. I also have the honor to inclose another statement from Doctor Myers, marked C, and a report of the proceedings of a meeting of the U. S. Army and Navy surgeons recently held as prisoners by the rebels, marked D.

I made the inquiries as instructed in your letter of the 21st instant concerning our prisoners held at Atlanta. Mr. Ould stated that he would cause the proper inquiries to be made and would forward me an early report upon the subject. It appears that the money which had been taken from the surgeons was returned to them in Confederate currency at the rate of seven for one. I made an immediate demand upon Mr. Ould that such money should be returned as had been deposited. He stated that he would hold himself officially and personally responsible that this money should be returned to the surgeons and that he would forward it to me at an early day. I have caused a list to be made, with the amount claimed set opposite each individual's name, so that the amount due may be forwarded.

I have the honor to be, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner of Exchange.

[Inclosures.]

A.

NOVEMBER 24, 1863.

I hereby certify on honor that while an inmate of the Libby Prison hospital I was informed by a carpenter of said prison that at least one

half of the pork sent by the United States Government for distribution among the Union prisoners at Richmond had been taken by the Confederate Government to be forwarded to "General Lee s army" for provisioning his troops, and that it was his opinion they would dispose of the flour in the same manner.

He stated that he knew such to be a fact.

W. W. MYERS,
Assistant Surgeon, U. S. Navy.

B.

I certify on honor that on the 23d day of November, instant, I was informed by one of the cooks in the prisoners' hospital in Richmond (where I was an inmate at the time) that the Confederate authorities, when unloading the provisions lately sent by the United States Government and relief associations for our prisoners in Richmond, said that they would send part of the flour and pork to Lee's army, and that on the same day I was informed by a carpenter, who works in the building where these supplies were put after being unloaded, that he heard the Confederate authorities who were present say that they would send part of those supplies to Lee's army, or to their soldiers. I am not certain that he said Lee's army.

DANIEL MEEKER,
Surgeon, U. S. Volunteers.

C.

I do hereby certify that for several months previous I have enjoyed the privilege of access to the hospitals where the sick and wounded among our Union soldiers received treatment. Since the battle of Chickamauga the number of deaths per diem has averaged fully fifty. The most prevalent diseases were diarrhea, dysentery, and typhoid pneumonia.

Of late the percentage of deaths has greatly increased, the result of causes that have been long at work, as insufficient food, clothing, and shelter, combined with that depression of spirits brought on so frequently by long confinement.

It may seem almost incredible when I affirm of my personal knowledge that in the three hospitals for Union soldiers the average mortality is now forty-five per diem, and upon the most reliable authority I am forced to believe that in the tobacco factories and upon the Island will raise the total mortality among all the Union prisoners to be sixty per diem, or 1,800 monthly. The extremely reduced condition of those brought from the Island augurs that hundreds quite sick are left behind who would be considered fit subjects for hospital treatment. Such, too, is the fact invariably stated by scores I have conversed with from that camp. The same to a degree holds true of the prisoners in the city. It would be a reasonable estimate to put the number who are fit subjects for hospitals, but who are refused admittance, at 500. A thousand are already under treatment in the three hospitals, and the Confederate surgeons themselves say the number of patients is only limited by the scant accommodation provided.

Thus we have over 10 per cent. of the whole number of the prisoners held classed as sick men, who require the most assiduous and skillful attention. Yet in the essential matter of rations they are receiving nothing but corn bread and sweet potatoes. Meat is no longer furnished to any class of our prisoners, and all, sick or well, officers and privates, are now furnished with a very poor article of corn bread in

lieu of wheat bread. Is this proper food for hospital patients prostrated with dysentery and fever, to say nothing of the balance? Startling instances of individual suffering and horrid pictures of death from protracted sickness and semi-starvation I have had thrust upon my attention. The first demand of the poor creatures from the Island was always for something to eat; and I have seen them die, clutching the half-eaten crust, self-respect all gone, all hope and ambition gone; half clad, and covered with vermin and filth, many of them, too, often beyond all reach of medical skill.

In one instance the ambulances brought sixteen to the hospital, and during the night seven had died. Again, eighteen were brought, and eleven died within twenty-four hours. At another time fourteen were admitted, and during a single night ten of the number died; and not unfrequently they die in the ambulance before reaching the hospital. Judging from what I have myself seen and do know, I do not hesitate to say that under a treatment of systematic abuse, neglect, and semi-starvation the number who are becoming permanently broken down in constitution must be reckoned by thousands. The Confederate daily papers in general terms acknowledge the truth of all I have affirmed, but usually close their abusive editorials by declaring that even such treatment is better than the invading Yankees deserve. The Examiner in a recent article begrudged even the little food the prisoners did receive and the boxes sent to us from home, and closed by eulogizing on the system of semi-starvation and exposure as well calculated to dispose of us. All this is true, yet cold weather has hardly commenced, and I am horrified when I picture the wholesale misery and death that will come with the biting frosts of winter. Recently several hundred prisoners per diem are being removed to Danville. In two instances I was standing by as the ranks filed past. It was a sad sight to see the attenuated frames and sharpened features and pallid faces of men a few months previous in vigor of health. Numbers were without shoes, nearly all without blankets or overcoats; and not a man did I behold who was well or fully clad. But to the credit of the prisoners in Richmond, of all ranks, be it recorded, that all along they have shown heroic fortitude under suffering, spurning the idea that our Government had forgotten them.

They have held fast their confidence in the final and speedy success of our cause.

W. W. MYERS,
Assistant Surgeon, U. S. Navy.

D.

STEAMER ADELAIDE, *Chesapeake Bay, November 26, 1863.*

At a meeting of the surgeons of the U. S. Army and Navy lately confined in prison in Richmond, Va., of which G. P. Ashmun, surgeon Ninety-third Ohio Volunteer Infantry, was president, and J. McCurdy, surgeon Eleventh Ohio Volunteer Infantry, was secretary, it was

Resolved, That a committee of seven be appointed to prepare a report on the condition and treatment of the Federal prisoners in Richmond, also its prisons, the quality and quantity of the ration, and treatment of our sick and wounded.

The following committee was then appointed: Daniel Meeker, surgeon, U. S. Volunteers, president; O. Q. Herrick, surgeon Thirty-fourth Illinois Infantry; William M. Houston, surgeon One hundred and twenty-second Ohio Volunteer Infantry; H. J. Herrick, surgeon Seven-

teenth Ohio Volunteer Infantry; John T. Luck, assistant surgeon, U. S. Navy; Augustine A. Mann, assistant surgeon Rhode Island cavalry, and J. Marcus Rice, surgeon Twenty-fifth Massachusetts Volunteers.

The following is the report presented by the president, which was read, received, and adopted unanimously. After which the committee received the thanks of the meeting and were dismissed:

U. S. STEAMER ADELAIDE,
En route for Baltimore, Md., November 26, 1863.

The committee appointed by U. S. Army and Navy surgeons recently imprisoned in Richmond, Va., to report the past and present condition and treatment of Union prisoners now held at that place, submit the following facts derived from personal observation and the statements of fellow-prisoners in whose veracity they have implicit confidence.

The officers—about 1,000 in all, and representing nearly all grades of both branches of the service—are confined in seven rooms of Libby Prison, a building formerly used as a warehouse. Each room is 43 feet wide and 102 feet long, affording, exclusive of the dining-room, only about 276 cubic feet of air to each prisoner. These rooms have unplastered walls, partitions, and ceilings; but few of the windows are glazed, being either open to the free sweep of cold winds or closed with boards or canvas screens. Both of the latter when used render the rooms dark and cheerless. One of the rooms is used exclusively as a kitchen and dining-room, while portions of others are necessarily devoted to the same purpose, and but nine scantily furnished and medium-sized cook stoves are supplied the entire prison. The officers have to do their own cooking, and the supply of wood for this purpose is often insufficient, and occasionally for half a day none at all is sent in. A privy and sink render foul and disgusting one end of each room, polluting at times the air of the entire apartment. None are permitted to leave this building of accumulated and accumulating horrors till borne to the hospital or happily exchanged.

The enlisted men are confined in various places. At the time the surgeons left Richmond there were about 6,300 privates held on Belle Isle in James River, near the city, and about 4,000 soldiers and 150 sailors and marines in buildings similar to and in the immediate neighborhood of Libby. In the buildings the men are in about the same condition as the officers in Libby, only much more crowded; but the condition of those on the island is much worse. An insufficient number of tents are furnished to protect them from cold and rain, and no blankets or other bedding has ever been given them by the rebels. Only one surgeon is assigned to Belle Isle, and he makes but one visit a day, during which he does not enter the inclosure where the men are kept to see those too sick to walk, but attends to those only who are able to come to him. When the neglected men are sent to the hospital it is often too late.

None of the privates in the prisons about Libby are furnished by the rebels with bedding of any kind. A member of this committee received a letter from a man belonging to the same command, and confined in the building opposite Libby, worded thus: "Doctor, we beg of you to try and get us something, either clothes or blankets, to keep us warm; we have no fire in the building to warm us; have nothing either to lie on or cover us, and suffer greatly from the cold."

In Libby stoves for heating purposes have recently been put up in some of the rooms, but no fuel of any description has yet been given to render them useful.

At one time the rations issued consisted of about three-fourths of a pound of wheat bread, one-fourth of a pound of fresh beef, two ounces of beans, and a small quantity of vinegar and salt for each prisoner per day. Subsequently the same quantity of corn bread, made of unsifted meal, was issued [instead] of the wheat bread, and rice instead of beans. More recently the ration has been corn bread, rice, and fresh beef in the above quantities; or in lieu of beef and rice, two or three small sweet potatoes, and quite often, more particularly within the past two weeks, absolutely nothing excepting the three-fourths of a pound of corn bread has been issued to each prisoner to satisfy the gnawings of hunger for twenty-four hours.

On the 10th of this month the men on Belle Isle did not get a morsel of anything to eat until 4 p. m.

The committee unanimously agree that the rations furnished Union prisoners by rebel authorities at Richmond, Va., are not sufficient to prevent these prisoners suffering from hunger and thus becoming debilitated and very susceptible to disease.

Some of this committee have seen men brought from Belle Isle to the prison hospital literally starving to death, and a U. S. Army officer of high rank and undoubted veracity, then and now a prisoner in Libby, told a member of this committee that while on a visit to Belle Isle, whither he had been permitted to go by the rebels, the prisoners there followed him in crowds as he walked around the

inclosure and cried to him with eager voices: "Send us some bread, we are hungry; send us some bread."

Were it not for supplies received from home none of those confined in Libby and the other prisons would escape the pangs of hunger.

Arriving at the prison the officers are searched, and in addition to articles "contraband of war," their money and other valuables are taken from them; a few get all, some the greater portion, and others none of their money returned, while all other valuables are retained. All money arriving in letters or express packages for prisoners, from whatever source, is taken and "deposited" with the rebel quartermaster of Richmond, and the owner is permitted to draw it in limited amounts in rebel paper, though $7 in Confederate currency is allowed for $1 U. S. money. Some of the surgeons released yesterday, on applying for their money taken from them in various ways—but always with the promise that if released while any remained on deposit it would be returned in kind—were coolly told that it had been exchanged by the aforementioned quartermaster [who] had exchanged all their money, and they must either take Confederate money or wait.

The treatment received by our privates is of the greatest severity. For looking out a window, three nights since, one was shot and instantly killed. Those having trades, and also some who have none, are taken out into the city and compelled to work, guarded and restrained from all liberty by sentries. It was no uncommon sight to see gangs of our men coming back to their house at night, carrying their implements of labor, bespattered with whitewash, or showing other signs of having been at work. About thirty of our men are now employed in Richmond making shoes, supposed to be for the rebel army.

Some officers have been compelled to scrub the floors, clean the water-closets of the prison, and perform other menial services. All are and have been at all times since their confinement in Libby subjected to insults and brutal treatment on the part of prison subordinates, and both captain and inspector of the prison, when appealed to, not only do not rebuke their subordinates, but encourage them to further offensive conduct. Upon the most trivial charges officers have been confined for from twenty-four hours to several days in damp dungeons under the jail, there fed only on bread and water. An officer, for doing that which certainly did not merit the term offense, was put into one of these dungeon cells, though at the time convalescent from typhoid fever and almost too weak to do anything.

Not more than 200 blankets have been given the prisoners in Libby by the rebels. Were it not for those received from home and furnished by the Sanitary Commission all would suffer very much.

Twice within the past week the floors have been scrubbed at sundown, and thus through the cold nights following, with no fires to drive off the moisture, officers must lie on those disease-engendering floors or walk the rooms till morning brought relief by bringing the sunlight. On two other occasions the floors were scrubbed nearly half an hour before the officers were ready to arise from their sleeping places.

And thus in various ways do the authorities seek to make our condition not only uncomfortable, but dangerous. After their arrival at the prison hospitals the sick are not unkindly treated, and the rations given them are a shade better than those issued in the prisons, but so enfeebled have they become by the privation of food, and so stricken by exposure previous to their admission, that the mortality is great. The number of deaths among Union [soldiers] in Richmond and on Belle Isle together has reached the startling number of fifty in one day.

All the prison hospitals are insufficiently supplied with medicines for the proper treatment of the sick. And finally the members of this committee individually asseverate that no prison or penitentiary ever seen by them in a Northern State equaled, in cheerlessness, unhealthiness, and paucity of rations issued, either of the military prisons of Richmond, Va.

Respectfully,

DANIEL MEEKER,
Surgeon, U. S. Volunteers,
O. Q. HERRICK,
Surgeon Thirty-fourth Illinois Volunteers,
WM. M. HOUSTON,
Surgeon One hundred and twenty-second Ohio Volunteers,
H. J. HERRICK,
Surgeon Seventeenth Ohio Volunteers,
J. MARCUS RICE,
Surgeon Twenty-fifth Massachusetts Volunteers,
JOHN T. LUCK,
Assistant Surgeon, U. S. Navy,
AUGUSTINE A. MANN,
Assistant Surgeon First Rhode Island Cavalry,
Committee.

On motion it was voted to present a copy of the proceedings of this meeting and of the committee's report to Abraham Lincoln, President of the United States of America.

On motion the meeting adjourned sine die.

G. P. ASHMUN,
Surgeon Ninety-third Ohio Volunteer Infantry,
President of the Meeting.
J. McCURDY,
Surgeon Eleventh Ohio Volunteer Infantry, Secretary.

SANITARY COMMISSION, CENTRAL OFFICE,
244 F Street, Washington, D. C., November 26, 1863.

Colonel HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: Allow me to transmit to you for your consideration a copy of the report made to this office by an inspector of the commission concerning the condition of the prisoners at Point Lookout.

Respectfully, your obedient servant,

FRED. N. KNAPP,
Associate Secretary.

[Inclosure.]

WASHINGTON, *November 13, 1863.*

Dr. J. H. DOUGLAS,
Associate Secretary, Sanitary Commission:

SIR: In compliance with orders received from the central office to proceed to Point Lookout, Md., and inquire into the condition, &c., of the rebel prisoners there confined, also the sanitary condition of the encampment and its inmates, I hereby submit the following report:

The accommodations here were much better than I expected to find them and much more comfortable, yet they had by no means the best of care. The hospital was situated in the southern part of the encampment and was composed of eighteen hospital tents, complete, arranged two together, end to end, and placed in two rows, a broad street intervening, with the cook and dining tent on the eastern end and facing the street. In these tents there were 100 patients, and all, with the exception of five or six, were on raised bunks, and all were lying on mattresses with at least one blanket for covering. Eight of their own men were detailed to take care of them, and although they were enlisted men, yet six were graduates from some medical school and the other two had been students. Four were graduates from the University of the City of New York; one of the school at New Orleans; one from the eclectic school, Cincinnati, and the other two were students in the University of Pennsylvania, seceders. Still, little or no attention did they give to their sick comrades, and, except in giving the necessary food and medicine, they scarcely even visited them. There is either a lack of sympathy or else indolence enters largely into their composition, and I am inclined to believe it is the latter, for, with the accommodations at their command, with good beds and shelter for the sick, if they had one particle of pride they could render them much more comfortable, especially as regards cleanliness. As it is, they are in a filthy condition; faces and hands apparently strangers to soap and water and hair seemingly uncombed for weeks. No attention was

given to the separating of different diseases. Wounded and erysipelas, fever and diarrhea, were lying side by side. (The wounded were two that were shot while trying to escape; two were killed.) There being no stoves in the hospital, the men complain greatly of cold, and I must admit that for the poor emaciated creatures suffering from diarrhea one single blanket is not sufficient; yet, as I told them, they had plenty of bricks and plenty of men; they could build fireplaces. One tent only had a board floor. Chronic diarrhea is the most prevalent disease, yet they have mild cases of remittent fever and some erysipelas. Mortality, none, for when any cases assume a dangerous character they are immediately removed to the general hospital, and they generally remove from twenty to thirty per day on an average, leaving in camp hospital eighty sick. The dispensary is a poor apology for one, having little or nothing but a few empty bottles. Not a particle of oil or salts, in fact, a cathartic of no kind. About half a dram of opium, half pound of sulph-ether, half pound of simple cerate, and a few other things constitute the whole supply. Here also was shown the want of discipline and cleanliness; everything covered with dust, and what few articles they had were exposed to the air and placed indiscriminately along the counter and in the most perfect confusion; were going to arrange the bottles, &c. The books were extremely well kept, neat and cleanly, and each day's report was copied in the report book as soon as returned from the surgeon in charge. The rations are very good, both in quantity and quality; amply sufficient for any sick man; but there are exceptional cases where they need something more delicate than the regular army ration. But the majority are perfectly well satisfied, and very little complaint is made in this particular. I will here give the quantities they receive in full, half, and low diet:

Full diet: Dinner—beef or pork, 4 ounces; potatoes, 4 ounces; hard-tack, 3 ounces. Breakfast and tea—coffee or tea, 1 pint; rice, 2 gills; molasses, 1 ounce; hard-tack, 3 ounces. Half diet: Dinner—meat, 2 ounces; potatoes, 3 ounces; hard-tack, 2 ounces. Breakfast and tea—coffee or tea, 1 pint; rice, 1 gill; molasses, half an ounce; hard-tack, 2 ounces. Low diet: Dinner—no meat; potatoes, 2 ounces; hard-tack, 1 ounce. Breakfast and tea—coffee or tea, 1 pint; rice, 1 gill; molasses, half an ounce; hard-tack, 1 ounce. Soup and soft bread is also given at least once a week. The cooking is done by their own men, and heard no complaint in this quarter, except they were poorly supplied with cooking utensils and were very much in want of tin cups, knives, and forks. The patients were required generally to eat with their fingers. They had a large cooking-stove, but they complained it was not sufficient for their purpose, as it kept them at work nearly all the time; the very reason that it should not be changed or another given them. The cooks' tent and stove were dirty (the peculiar characteristic), and the tent where the nurses and attendants dined was in the same plight, although I am glad to say the table from which they ate was scoured and looked very clean, as also the plates and cups. The grounds around the hospital have not, according to looks, been policed for a very long time. Filth is gradually accumulating, and the sinks are not at all thought of, requiring a little extra exertion to walk to them. They void their excrement in the most convenient place to them, regardless of the comfort of others. The surgeon in charge of this hospital and of the whole rebel encampment is Doctor Bunton, assistant surgeon Second New Hampshire Volunteers, assisted by Doctors Russell and Walton, acting assistant surgeons, the latter gentlemen having just entered

upon their duties. I think a great amount of the misery experienced in the hospital and throughout the camp might be obviated if a little more energy was displayed by the surgeon in charge. There is a lack of system and want of discipline, neither of which (with all due respect to the doctor) do I think he is possessed of. The assistants saw what was needed and were determined to entirely renovate and change the whole condition and aspect. If done, much suffering might be alleviated and less sickness would ensue. It is in the quarters that we have the most complaint and suffering. Men of all ages and classes, descriptions and hues, with various colored clothing, all huddled together, forming a motley crew, which to be appreciated must be seen, and what the pen fails to describe the imagination must depict; yet I will endeavor to convey their exact condition, &c., and give as accurate description as possible. They are ragged and dirty and very thinly clad; that is, the very great majority. Occasionally you will find one the fortunate possessor of an overcoat, either a citizen's or the light-blue ones used by our infantry, and these serve as coverings for the rags beneath. Others, again, are well supplied as regards underclothing, especially those who are from Baltimore, being sent to them by friends. But the great mass are in a pitiable condition, destitute of nearly everything, which, with their filthy condition, makes them really objects of commiseration. Some are without shirts, or what were once shirts are now hanging in shreds from their shoulders. In others the entire back or front will be gone, while again in some you will see a futile attempt at patching. Their clothing is of all kinds and hues—the gray, butternut, the red of our zouaves and the light and dark blue of our infantry, all in a dilapidated condition. Of their shelter there can be no possible complaint, for they all have good tents, such as wall, hospital, Sibley, wedge, shelter, hospital, and wall-tent flies. Majority are in the wedge tent. Average in a hospital tent, from 15 to 18 men; in wall tent, from 10 to 12; in shelter tent, 3; in Sibley tent, from 13 to 14; in wedge tent, 5; under hospital fly, 10 to 13; under wall-tent fly, from 3 to 8. The shelter tents, only a very few are excavated and boarded at the sides, and almost every tent throughout the camp has a fireplace and chimney built of brick made by them from the soil (which is clay) and sun baked. In a few of the Sibleys holes are dug, fire built, and covered at the top. Generally the tents are filled with smoke. Although they have fireplaces wood is not issued to them, but they are allowed to go out in squads every day and gather such as may be found in the woods where trees have been cut down, but they are not allowed to cut down others. There are instances where they have completely dug around the root of a stump and taken all; for it is impossible in this way for them to get enough to keep them warm, and as they are poorly supplied with blankets they must have suffered severely from the cold, more so where they are, for it is a very bleak place. On visiting the quarters, found them crowded around a few coals in their respective tents, some having good blankets thrown across the shoulders, others pieces of carpet, others a gum blanket, others a piece of oilcloth commonly used for the covering of the tables. Generally they have one blanket to three men, but a great many are entirely without. A great many of the tents have been pitched over old sinks lightly covered. Complaints have been made, but nothing has been done to change them. The interior of the tents are in keeping with the inmates, filthy; pieces of cracker, meat, ashes, &c., strewn around the tent, and in which they will lie. In preference to sitting on

a stool they will sit upon the ground, and I even heard their own men say that they never saw such a dirty set in their lives, fully convincing me that it is their element, and they roll into it as a hog will wallow in the mire.

Concerning the rations, I heard a great deal of complaint that they did not get enough to eat. They wanted more meat. What they did get they spoke of in the highest terms. On questioning some of them which they would prefer an increase of the rations or blankets, all concluded that they could get along with the ration if they could get blankets. On being shown a ration, I do not think they receive half the amount of meat they are entitled to, but with the crackers, &c., given they cannot suffer at all from hunger. The ration to the well man is, pork, 3 ounces; salt or beef, 4 ounces; hard-tack, 10 ounces; coffee, 1 pint; a day's ration. Soup is also given once a week; potatoes and beans every five days; soft bread once a week, and fresh meat had been issued to them once a week up to two weeks ago, when from some cause unable to find out it was stopped. Others, again, did not find fault with the ration, but the cooking; that it was not done well, and there ought to be changes made, &c., so visited the kitchens and dining-rooms. These are in the northwest corner of the camp and composed of six wooden buildings, 160 feet in length, with twenty feet off for the kitchen. Only five of the buildings are in use. The kitchen arrangements are very good, each one containing four cauldrons, and in one five, each cauldron capable of containing from fifty to sixty gallons. Here the rations were cooked, and was told that they served the meat ration all at dinner, not being enough to make two meals, and they were thus enabled to give them one good meal a day. Breakfast and supper they relied upon hard-tack, tea or coffee; and, as I said before, there is no likelihood of their starving. The dining-room contains three tables, and each house feeds 1,529 men, 500 at a time. Seem to be well supplied with all necessary articles, both for kitchen and dining-room. Will make allowance for the condition of the kitchen, as they were just through serving dinner, and were making preparations for cleaning up. Yet there was evidence of a want of care and cleanliness. Still, I found them in a much better condition than I expected. There was such a vast difference that I did not notice as much the number of bones thrown from kitchen on the outside. Still, there were some. The sick in quarters average from 160 to 200. Prevailing disease, scurvy. Yet a great many are troubled with the diarrhea, and as they gradually grow worse are admitted to the hospital to be sent to the general hospital. These men who are sick in quarters and who are unable to eat the ration given them have instead, vinegar, 3 ounces; potatoes, 5; rice, 1 gill; molasses, 1 gill; one day's rations. Each man cooks for himself. They are troubled greatly with the itch, and it is spreading throughout the camp, and until sulphur was sent them by the commission they had nothing for it. They have abundance of water in the camp, notwithstanding several of the wells are unfit for use. The waters of those not in use are strongly impregnated with iron and will stain white clothing a yellow or light brown. Outside of these there is an abundance of good water, and no excuse whatever for being otherwise than cleanly, but they seem to abhor soap and water. At least their appearance so indicates. A great many are employing their time in making brick and have now a great quantity on hand. Others employ themselves in making rings, chains, seals, &c., from bone and gutta percha, and notwithstanding the complaint that they do not get enough to eat, you will find them on

the main street, which they call The Change, gambling both for money and rations. They have games at cards, keno, sweat cloth, &c. Also on this street they do their trading, hard-tack for tobacco and tobacco for hard-tack. It is here that you will find them in crowds, sitting or kneeling in the dirt, eagerly watching the different games, and see them arise dissatisfied at having lost their day's rations, and while thus engaged they are unmindful of the cold. The size of the encampment is a little over 1,000 feet square, or about 16 acres, the whole surrounded by a board fence twelve feet high, with a platform on the outside for the sentinel, sufficiently high for him to look within the inclosure. It is within this that there are confined about 8,000 prisoners. With so many men and no one to take charge of them, it is not at all to be wondered at that the camp is in any but a desirable condition. The sinks, which should have special consideration, especially in a camp of this size, and where so many men are congregated, are entirely neglected, and it is a perfect mystery that there is not more sickness than they have, and God knows they have enough, for they live, eat, and sleep in their own filth. Sinks have been prepared for them, but little or no attention is paid to them, unless they should be in close proximity when they desire to answer the calls of nature. The holes dug in getting out clay for bricks are used as sinks. You will find them by the side and in front of their tents, in various portions of the encampment, and are the receptacles of their filth. Refuse matter from the tents or what not right under their very noses, yet they heed them not. Others, again, have no particular place, but will void their excrement anywhere on the surface that is most convenient to them, heedless of the convenience of others. Have no drainage around the tents, but there has been an attempt to drain the streets. Ditches were dug, but they are worse than useless, constantly filled with water, and afford another place to throw filth. With this state of affairs and so many men (by the by, over 1,300 more came in the camp on the afternoon of November 10, making nearly 10,000 men) the camp would soon become in an impassable condition. The men themselves complain and hope that some severe punishment, even shooting, will be the penalty to any one who will so outrage decency and lose respect due themselves. Some of the sinks are filled and not been covered and not a particle of chloride of lime has been used in the encampment for a long time. After stating the above facts, giving the condition of the camp and its inmates, some might say that it is not our fault that they are in this condition. As far as clothing, it is not; but it is our fault when they neglect to enforce those sanitary rules which keep camps and inmates in a cleanly condition and thus try to prevent disease. It is our fault when the officer in command fails to place in charge some one of good executive ability, capable of giving commands and seeing that they are enforced, one who will have the camp regularly policed and severely punish any offender of the sanitary rules. It is beneficial otherwise, for it will give employment to a certain number of men every day. As regards medicine and clothing, they are sadly in want of both, and would suggest that the commission send them, place them in the hand of Mr. Fairchild, and I know they will be judiciously distributed. I know that they are our enemies, and bitter ones, and what we give them they will use against us, but now they are within our power and are suffering. Have no doubt that to compare their situation with that of our men words would hardly be adequate to express our indignation. I merely gave this suggestion because I think you would be doing right and that it might prove beneficial to us.

TUESDAY, *November 10, 1863.*

Visited and inspected the different wards, kitchen, dining-rooms of the Hammond General Hospital, which is now mostly occupied by the rebel sick, and in charge of Anthony Heger, surgeon, U. S. Army, who was very kind and courteous toward me and was glad that I had come to make an official visit to the hospital. He, in company with the officer of the day (Doctor Bidlack), visited with me every ward, kitchen, bath-room, &c., and showed me every attention in their power. Doctor Heger, assisted by the following gentlemen, W. H. Gardner, U. S. Army, assistant surgeon; George McC. Miller, U. S. Volunteers, assistant surgeon; C. S. Hogeboom, R. N. Wright, W. W. Bidlack, W. A. Harvey, George Johnson, M. A. Booth, H. Smith, T. Liebold, William F. Buchanan, J. Koerper, and Judson Gilman, acting assistant surgeons; Chaplain Rev. J. Spooner; Chief Steward H. C. Archibald, Hospital Stewards J. P. Stambaugh, R. L. Wernwag, and J. E. McGowan. The hospital is arranged like the spokes of a wheel and has fifteen wards, together with one building used as the executive department, and containing also the sleeping apartments of the different surgeons, dispensary, linen-room, &c. The capacity of the hospital, allowing 900 cubic feet per bed, is 1,050 beds or 70 beds to each ward. Including the convalescent ward and the wards for erysipelas and hospital gangrene there are about 1,400 beds. Ventilation good, high ceilings and plenty of good sea air. Number of patients at present in the hospital is 1,277; of these 493 are Union men and 784 rebels. The Union soldiers are all nearly convalescent, while the prevailing disease among the rebels is chronic diarrhea. Of the 1,208 sick in the hospital last week there were 46 deaths or 38.07 per cent., and the mortality slightly on the increase. They receive on an average thirty per day from the hospital within the encampment and in the very worst condition. Some are moribund when they arrive at this hospital. At the post mortem examinations the doctor said nearly all of those who died of diarrhea had pneumonia. Did not show itself during life, probably from the extreme weak condition of the patient. From the 1st of March to the end of September there were only twenty-eight deaths. Union soldiers then occupied the hospitals, and the sick report on the last day of July was 1,192. The highest number was 1,330, but the average for the six months was 1,100. Diseases, typhoid fever, diarrhea, and typhoid pneumonia. The wards were in very good condition, but there was a vast difference in the cleanliness of those occupied by our men; no spitting on the floor or lounging on the beds with clothes on, as was seen among the rebels. Could do nothing with them; impose no punishment, for they were too weak. Every attention was paid them, and all possible care to keep the wards and bedding as cleanly as possible. In the half and low diet kitchen found the trays all ready to convey the food to the sick. The rebels received the same as our own men; no distinction whatever. Potatoes, rice, cabbage, sweet milk, soft bread and butter, and farina or corn starch being prepared in this kitchen; had female cooks. The full-diet kitchen was by the side of the dining-room, with everything complete, ovens, boilers, &c. The dining-room, capable of seating 1,000 persons, was in splendid condition, with tables, floor, &c., in good order. I shall not enter into the detail of these various apartments, but will speak of the rations, which to us now is of more interest. It was my fortune to enter the dining-room as dinner was being placed upon the table, and found about 6 ounces of fresh beef, boiled; 3 potatoes, 2 thick slices of bread, butter, 1 pint of soup with vegetables, and the condiments pepper, salt, vinegar, and mustard; and to this the

rebels sat down at the same time and in the same room with our own men. What could they wish more? And if there was any complaint at all it ought to come from us, that they received too much and are entirely too well treated. Full diet: Breakfast—bread, 8 ounces; butter, 1 ounce; Indian meal, boiled, 2 ounces; molasses, 0.32 of a gill. Dinner—beef soup and vegetables, 1 pint; meat, 10 ounces; sweet potatoes, 7 ounces; bread, 4 ounces. Supper—coffee, 1 pint; bread, 5 ounces; cheese, 2 ounces; butter, 1 ounce. The diet is changed every day, when they also receive cabbage, tomatoes, macaroni, and on Sunday have both Irish and sweet potatoes, puddings, &c. The bread ration was formerly six ounces, but the doctor has cut it down one ounce breakfast and supper and two ounces dinner. Bath, laundry, and engine rooms complete and in good order. The linen-room and liquors are in the executive building and under the charge of Sisters of Charity; well supplied with everything. In the afternoon visited the smallpox hospital, and is about a quarter of a mile north of the encampment, among the pine bushes, under the charge of Dr. W. Broadbent, acting assistant surgeon. This hospital was opened two weeks ago, and up to to-day have received therein 133 patients, during which time thirty-three deaths have occurred. The sick are in wedge tents, three to a tent, lying on straw on the ground, with a blanket and a half to a man. Their ration is the same, and bean soup is given every day; to those not allowed it, coffee in its stead. The men are much more comfortable here than in the encampment, and those who are in attendance do not want to go back. I should also state they occasionally get soft bread. No complaints at all; were getting along as well as they could expect. Medicines very short; no cathartics at all. In connection with the smallpox the majority have scurvy and scabies, and some are in a horrid condition.

In the remarks that I have made concerning the prisoners it is evident that with the facilities they now possess they could be made 10 per cent. more comfortable if they had some one to command them. That they are suffering from want of clothing and covering is true. Of their treatment they do not complain; their ration they do not deem quite sufficient; but of their filthy condition and habits more is attributable to their indolence and laziness, and they have the facilities at their disposal to correct this and they ought to be made to do it. Point Lookout and the surrounding country is called the District of Saint Mary's, and under the command of Brig. Gen. Gilman Marston. The troops are composed of the Second and Twelfth New Hampshire Volunteers, and a company each from the Second and Fifth U. S. Cavalry, comprising in all about 700 men. Infantry doing guard duty; the cavalry scouting.

Very respectfully, your obedient servant,

W. F. SWALM.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 26, 1863.

Surg. A. M. CLARK,
Actg. Med. Insp. of Prisoners of War, Washington, D. C.:

SIR: You will proceed immediately to Fortress Monroe, Va., with a view to consult with Brig. Gen. S. A. Meredith, commissioner for the exchange of prisoners, in relation to making suitable provision on the flag-of-truce boat for the reception of sick Federal prisoners of war who may be delivered from time to time at City Point. Sufficient bedding

should always be upon the boat when such deliveries are to be made, with a proper supply of such food as prisoners in their condition require, and ample accommodations for cooking. The boat should be prepared to deliver them at Annapolis and notice should be given to Colonel Waite, commanding in that city, of the time of their arrival, so that everything may be prepared for their reception in the general hospital or the hospital at Camp Parole. Submit to this office a requisition for all articles that may be required to insure that our returning prisoners on the flag-of-truce boat may be made as comfortable as possible.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 26, 1863.

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

SIR: I have the honor to submit the following report:*

* * * * * * *

The subject of the exchange of prisoners of war has excited much attention and has a painful interest to our people and our brave soldiers whom the fortunes of war have thrown into the hands of our enemies. It was the desire of this Government from an early period of the war to agree upon a fair and equitable system of exchanges. The large preponderance of prisoners being on our side negotiations were opened and had been nearly consummated, the terms having been agreed upon in accordance with the views of his Government as expressed by the commissioner of the United States, and under his assurance of satisfactory settlement a large number of prisoners held by us were delivered up. Some serious reverses, however, just then befalling us, and large numbers of prisoners being taken by the enemy, they refused to consummate the agreement and broke off the negotiation. Their loss in prisoners in subsequent military operations, especially in their disastrous defeats around this city, again giving us the preponderance, a cartel of exchange was agreed on and executed. Various efforts to obtain unfair advantages by quibbling as to its terms and operation were made and its provisions violated by the enemy, but the cartel was recognized as being in force and exchanges continued to be made. Our reverses in July again gave them, as they claim, a preponderance in the number of prisoners, since which time they have openly disregarded its obligations, and have now upon false and flimsy pretext declared it to be inoperative. All exchanges have now ceased, with little apparent prospect of renewal. The exchange of prisoners was desired on our part for the sake of humanity, to prevent, in accordance with the usages of war among civilized nations, individual suffering as far as practicable, and all the obligations imposed on us as to the treatment of prisoners and exchange by such usages and the cartel of exchange have been fulfilled on our part with entire and scrupulous good faith, while the course of our enemies has been marked by perfidy and a disregard of their engagements and the dictates of humanity.

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* For portion here omitted see Series IV.

The report of Mr. Ould, our commissioner of exchange, which accompanies this, will fully explain the present position of this interesting subject.*

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Respectfully submitted.

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., November 26, 1863.

Major SZYMANSKI:

MAJOR: I am directed by the lieutenant-general commanding to state that you will find inclosed a letter to Major-General McPherson, commanding the Federal forces at Vicksburg, to which your attention is called. This letter is written in order to facilitate an understanding between yourself and the Federal authorities on the subject of an exchange of prisoners. Should the inclosed proposition be acceded to you have full authority to act in the matter, and in that view, before leaving you had better consult fully with Major-General Taylor. As it appears from newspapers that the cartel is no longer operative, you can use your own judgment as to whether it would be best to take the prisoners with you or to make your visit and see what arrangements can be made on the subject, and if necessary take them afterward. The prisoners from the Harriet Lane have been sent to Monroe, and as they have been already exchanged will be sent forward to Vicksburg. A receipt for them as exchanged should be obtained.

Very respectfully, your obedient servant,

C. S. WEST,
Captain and Assistant Adjutant-General.

[Inclosure.]

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., November 26, 1863.

Maj. Gen. JAMES B. MCPHERSON,
Commanding Federal Forces in District of Mississippi:

GENERAL: The cartel being no longer operative between the two Governments, the subject of the exchange of prisoners is left to be determined in each instance by agreement between the two commanders of the respective armies opposed to each other.

I have now about 2,000 prisoners, and propose to exchange them with you for a like number, man for man, at such point or points as may be agreed upon. A prisoner of war is necessarily subject to hardships, inconveniences, and restraints. Humanity directs that these evils should be lessened as much as possible and that the time of their restraint should not be unnecessarily prolonged. For these reasons I make the above proposition to you. Should you accede to it, Major Szymanski, who bears this, is fully authorized to make the necessary arrangements. Should you not feel yourself empowered to make the agreement, you are requested to forward it for final action to the proper authorities.

I am, very respectfully, your obedient servant,

E. KIRBY SMITH,
Lieutenant-General, Comdg. Trans-Mississippi Department.

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* Probably that of December 5, p. 654.

BALTIMORE, MD., *November 27, 1863—12.40 p. m.*

Hon. ABRAHAM LINCOLN,
President of the United States:

As the judges of election in Annapolis have been threatened for carrying out Order No. 53, which was done fairly and prudently, General Schenck ordered the arrest of persons who, on offering to vote, declined taking the oath of allegiance, as a precautionary measure of protection to the judges. Of these parties arrested all have given their parole except ex-Governor Pratt and Colonel Nicholson, who refuse. As General Schenck is absent, and I understand the Hon. Montgomery Blair has applied to Your Excellency, I consider it my duty to submit the case to your better judgment. The parole which ex-Governor Pratt declines to sign is as follows:

Parole.—The undersigned, citizens of the United States and of the State of Maryland, having declined, at the late election in that State, to take the oath of allegiance to the United States, as prescribed by General Orders, No. 53, current series, of the Middle Department, and being, for that reason, suspected by the military authorities as intending to declare our disloyalty to the United States, we do now, therefore, pledge ourselves, on our sacred honor, that no such disloyalty to the Constitution and Government was felt or designed by us, and in assurance thereof we do now, therefore, give to Maj. Gen. Robert C. Schenck, commanding this department, our solemn pledge and parole that we recognize our obligation, as good and faithful citizens, to support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and to bear true allegiance, faith, and loyalty to the same, any ordinance, resolution, or law of any State convention or State Legislature to the contrary notwithstanding; that we will at all times yield a hearty and willing obedience to the said Constitution and Government and will not, directly or indirectly, do any act in hostility to the same, either by taking up arms against them or aiding, abetting, or countenancing those in arms against them; that without permission from the lawful authority we will have no communication, contraband of war, direct or indirect, with the States in insurrection against the United States, or with either of them, or with any person or persons within said insurrectionary States; and that we will in all things deport ourselves as good and loyal citizens of the United States.

DONN PIATT,
Chief of Staff.

WASHINGTON, D. C., *November 27, 1863.*

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: It will add greatly to the power of the guards at the several prison camps if they can be in part armed with revolvers. A sentinel on post with his musket can only give one shot in case of an attack upon him, but if armed with a revolver it gives him the strength of two or three men without such arms. I have, therefore, the honor to recommend that 400 revolvers, with accouterments complete, and 25,000 rounds of ammunition be sent to each of the following-named places, viz: Camp Chase, near Columbus, commanded by Col. William Wallace, Fifteenth Ohio Volunteer Infantry; Camp Douglas, near Chicago, commanded by Col. C. V. De Land, Michigan sharpshooters; Camp Morton, near Indianapolis, commanded by Col. A. A. Stevens, Invalid Corps; depot at Rock Island, Ill., commanded by Col. R. H. Rush, Invalid Corps; depot at Point Lookout, Md., commanded by Brig. Gen. G. Marston, and 200 revolvers, with equipments complete, and 10,000 rounds of ammunition to the depot on Johnson's Island, near Sandusky, Ohio, commanded by Lieut. Col. W. S. Pierson, Hoff-

man's Battalion. These will furnish enough to arm the daily guards, non-commissioned officers, and select men.

I am, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *November 27, 1863.*

Brig. Gen. G. MARSTON,

Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: I have the honor to inclose herewith for your consideration a copy of a report made by an inspecting officer of the Sanitary Commission who recently visited the prisoners of war at Point Lookout.* I do not know by what authority the inspection was made, but we may take advantage of the information it gives to correct some omissions which it points out and some errors which I think the inspector has fallen into. From the report it appears that there is a great want of clothing among many of the prisoners. Though it is the desire of the War Department to provide as little clothing for them as possible, it does not wish them to be left in the very destitute condition which this report represents. I beg to call your attention to this subject, and if, in your judgment, the clothing is needed please have the necessary estimates prepared and sent in. There is an abundance of inferior clothing on hand, and the Department would prefer to issue it rather than it should be contributed by sympathizers. The amount of the ration which the report gives I am sure is erroneous in every particular, and I would be glad to set the Sanitary Commission right in this particular. The various matters which are mentioned in reference to police, the condition of the sinks, &c., are worthy of attention. Please return the report.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 27, 1863.

Col. C. THOMAS,

Acting Quartermaster-General, Washington, D. C.:

COLONEL: I would respectfully call your attention to the fact that in transferring prisoners of war from place to place on railroads the arrangements are often so carelessly made or so badly carried out that much delay and much embarrassment are experienced and numerous escapes occur in consequence. Recently, when about 150 rebel officers were to leave the city, arrangements were made for them to take the 6.30 train, but on their reaching the depot there were no cars to receive them, and they were in consequence obliged to return to the Old Capitol to wait for another train. On the 5th instant sixty prisoners were put on two freight cars of a freight train at Louisville at 8 p. m. to go to Indianapolis. No lights were put in the cars, and it was, of course, impossible that the guard could see prisoners in their charge. By an accident the train was delayed three hours, and during this time, or somewhere on the route, three prisoners escaped. The journey, though a short one, was not completed till 2 p. m. the following day. Other cases have been reported to me, the particulars of which I cannot

* See Knapp to Hoffman, November 26, p. 575.

recite. I have therefore respectfully to request you will direct the quartermasters at places from which prisoners are most frequently sent to require in their contracts for transportation that suitable cars be furnished, provided with lights for night travel; that the time in which the journey is to be made may be stipulated, and that a vessel of water of proper size be placed in each car where the number of prisoners is sufficiently large to require one or more cars. The following are places from which prisoners are most frequently forwarded by rail: Washington; Baltimore; Camp Chase, Columbus, Ohio; Sandusky, Ohio; Cincinnati, Ohio; Louisville, Ky.; Camp Morton, Indianapolis, Ind.; Camp Douglas, Chicago, Ill.; Camp Butler, Springfield, Ill.; Alton, Ill.; Rock Island, Ill.; Cairo, Ill.; Saint Louis, Mo.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 27, 1863.

F. N. KNAPP, Esq.,
Associate Secretary Sanitary Commission,
244 F Street, Washington, D. C.:

SIR: I have the pleasure of acknowledging the receipt of your note of yesterday, and with it the interesting report of the condition of the prisoners at Point Lookout by a member of the commission, for which permit me to return you my thanks. In reply to your request that a permit may be granted to Doctor McDonald to visit the prison camps for the purpose of inspection, I beg to say that medical inspectors of the army make frequent inspections of the camps referred to, and it is therefore not thought necessary to impose this labor on the Sanitary Commission.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPARTMENT,
Washington City, November 27, 1863.

Lieut. JACOB PARROTT,
Company K, Thirty-third Regt. Ohio Vols., Chattanooga, Tenn.:

SIR: In reply to the letter of yourself and Lieut. Daniel A. Dorsey, stating that Lieuts. E. H. Mason and John R. Porter, Twenty-first Ohio Volunteers, who belonged to General Mitchel's bridge-burning party, were recaptured by the rebels at Chickamauga, and that the former is again detained as a spy, the Secretary of War directs me to say that your communication has been referred to the commissioner for the exchange of prisoners, whose attention has been specially invited to the cases of Lieutenants Mason and Porter.

Very respectfully, your obedient servant,

ED. R. S. CANBY,

Brigadier-General and Assistant Adjutant-General.

WASHINGTON, *November 27, 1863.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, U. S. Army:

SIR: I arrived in this city yesterday after an imprisonment of nearly five months as a prisoner of war in Libby Prison, Richmond, Va., and

take this early opportunity of preferring charges against the within-named men now acting as attendants in the prison. They have taken the oath of allegiance to the so-called Southern Confederacy, thinking they would be permitted to remain South, which they will not be allowed to do, as they will be sent within our lines as soon as exchanges are resumed. As attendants in the prison they have considerable authority over the prisoners, which they exercise in the most shameful manner, beating them over the head with clubs, stealing from them their money, clothing, &c. These facts I can prove as soon as an exchange takes place by officers now confined in Richmond. I would respectfully request that these men may be arrested the moment they arrive within our lines. Their names are —— Keller, Seventy-fourth New York Volunteers; —— Grube, —— Grubé (brothers), Seventy-fourth New York Volunteers; G. B. Ganett, Battery B, First New York Artillery; —— Everard (a Frenchman, tall, handsome man), Company B, Fifty-second New York Volunteers; —— Blass (a Spaniard), Second New York Fire Zouaves; —— Castagno (a Spaniard), deserter from the Fourth New York Cavalry, now in the One hundred and fourth New York Volunteers.

I am, sir, very respectfully, your obedient servant,

ALLSTON W. WHITNEY,
Surgeon Thirteenth Massachusetts Volunteers.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *December 26, 1863.*

Respectfully referred to Colonel Hoffman, who will probably know when these men are released, and that he may take measures to have them brought to trial.

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., November 27, 1863.

Major-General THOMAS, *Chattanooga:*

Vicksburg prisoners recaptured will not be exchanged without further orders. They will be sent to depots the same as other prisoners.

H. W. HALLECK,
General-in-Chief.

(Copy to Colonel Hoffman, Commissary-General of Prisoners.)

MEDICAL DIRECTOR'S OFFICE,
Richmond, November 27, 1863.

General J. H. WINDER, *Richmond, Va.:*

SIR: In reply to your inquiry as to causes of the mortality among the Federal prisoners, I have the honor to state that I have inspected the prison hospital and the camp at Belle Isle. In regard to the first, I find that the patients have only half of the room allowed to Confederate soldiers in hospital. Otherwise they are on the same footing, the medicines, medical attendance, and provisions being the same as in C. S. hospitals and as good as can be procured. I have offered the use of Confederate hospitals which have been pronounced unfit on account

of the difficulty in guarding them, and requisition has been made several days since for two other factories to be turned over as hospitals for Federal prisoners. The camp at Belle Isle is as well managed as possible under the circumstances, but I think that here may be found most of the causes of the severity and frequency of the sickness. The men are too much crowded. They have not sufficient quantity of blankets nor sufficient fuel supplied. They sleep on the ground and are exposed to all the vicissitudes of temperature incident to our climate, increased by the position and the winds blowing over the water. An additional cause of disease is want of discipline and authority, no officer being with the men to enforce attendance on the sick, who are despoiled of their rations by those stronger. Another class of causes is the depressing moral influence prisoners labor under, especially noticeable since they have been told that there is no hope of exchange. They die from slight diseases, having lost all hope. When removed to hospitals, where they are properly attended to, they generally react and become much better. Those who die are those who are too much depressed to react, and die within a short time after entering the hospital. I recommend that as many as possible of the men be removed from the island and placed in the factories in Richmond, Farmville, Lynchburg, and Danville, or that steps be taken to send them to a more southern climate. I call attention to the requisitions forwarded for increased hospital accommodation and the inclosed report* of the number of sick each day and the number of deaths, showing that with an average of 1,200 in hospitals, there has been a mortality of about ten per diem since November 1. I have placed in charge of these sick Surg. John Wilkins and twenty-two assistant surgeons, who are selected as the most competent of the medical staff in the department under your authority.

Very respectfully,

WM. A. CARRINGTON,
Medical Director.

COLUMBUS, OHIO, *November 28, 1863.*
(Received 2.15 p. m.)

Hon. E. M. STANTON, *Secretary of War:*

I regret to announce the escape of John Morgan and five others from the penitentiary last night. They dug out under the walls. I cannot charge any one in the military service with negligence. The warden and his guards are alone to blame. Shall take all measures to recapture him. Have instructed the commander of this place to offer a reward of $1,000, which I hope you will approve.

DAVID TOD.

WAR DEPARTMENT,
Washington City, November 28, 1863—2.25 p. m.

His Excellency DAVID TOD,
Governor of Ohio, Columbus, Ohio:

The offer of reward is approved, and you are authorized to take every measure that you deem likely to increase the chances of recapturing Morgan.

P. H. WATSON,
Acting Secretary of War.

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*Not found.

WAR DEPARTMENT,
Washington City, November 28, 1863.

His Excellency DAVID TOD,
Governor of Ohio, Columbus, Ohio:

Please ascertain whether Morgan has been permitted to see or correspond with any person; and if so, by whose authority.

P. H. WATSON,
Acting Secretary of War.

COLUMBUS, *November 28, 1863—12.30 p. m.*

Col. WILLIAM HOFFMAN:

General John Morgan and six other rebel officers escaped from the penitentiary last night by cutting through the stone pavement of their cells and burrowing under the sewer walls immediately below their cells. We have taken every possible means for their arrest.

WM. WALLACE,
Colonel Fifteenth Ohio Volunteer Infantry.

CHATTANOOGA, TENN., *November 28, 1863—10.10 p. m.*

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

There are many prisoners here. To send them North will be expensive in transportation, warm clothing, and food and shelter. Does the present state of the contest permit works at Chattanooga and Bridgeport, where they can be very useful in building bridges, repairing railroads which they have destroyed, and in handling stores, forage, and subsistence and transferring them to steamers?

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, November 28, 1863.

Maj. Gen. W. B. FRANKLIN, *New Iberia:*

GENERAL: Your dispatch concerning General Taylor's proposition to exchange prisoners received. If General Taylor means that he will exchange all the prisoners in his hands, without making any distinction as to the corps to which they belong, you ought to assent to the proposition and fix upon a convenient point of delivery.

Respectfully, your obedient servant,

CHAS. P. STONE,
Brigadier-General and Chief of Staff.

VERMILIONVILLE, LA., *November 28, 1863.*

COMDG. OFFICER FEDERAL FORCES ON THE TECHE:

SIR: I am instructed by Major-General Taylor, commanding, to open communication at once with you on the "subject of the exchange of prisoners," stating that we have "on hand several hundred prisoners, all of whom are without blankets and many without shoes and indifferently supplied with clothing, and whose sufferings this winter it will be impossible for us to alleviate. You will use every exertion consistent with the dignity of your position to perfect some arrangement, and in the event of success will exchange immediately, man for man," &c.

In accordance with the above order I therefore propose an immediate exchange of prisoners, or the opening of negotiations for that purpose, authorized by the cartel now in force, authorizing commanders in the field to enter into such negotiation. I send Assistant Adjutant-General Wells, of my staff, charged with full authority in the premises.

I am, very respectfully, your obedient servant,

THOMAS GREEN,
Brigadier-General, Commanding First Division Cavalry.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 28, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have been informed that Private John H. Maynadier, First Virginia Cavalry, has been condemned to death, and that the sentence was to have been carried into effect on the 25th instant, but that the time has been extended. I am very well satisfied from the representations of his companion that young Maynadier was no spy. There may be circumstances suspicious in his case which a full knowledge of all the facts would entirely remove. I will be obliged to you if you will inform me of his present condition and what further proceedings are contemplated in his case. If it will be allowed I would like to present some facts which I think would satisfy your authorities that the young man was not a spy.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

WASHINGTON CITY, D. C., *November 28, 1863.*

Brig. Gen. S. A. MEREDITH,
Commissioner for the Exchange of Prisoners:

SIR: I have read the copy you forwarded of Mr. Ould's communication of the 21st instant, in which I perceive Mr. Ould thinks I misapprehended his purpose in forwarding the "tabular statement" of alleged valid paroles, made chiefly in the West and South. I supposed that the tabular statement was sent to you in explanation of the large number of prisoners declared exchanged by Mr. Ould, the propriety of which has been very properly questioned by you.

If that was not the purpose of the statement I regret that it fell under my notice. If Mr. Ould wishes either to present another "statement" or to furnish detailed explanations of that already before us it will be time enough to consider the points he may raise when he presents them. In the meantime I think it necessary to observe that neither Mr. Ould, yourself, nor myself, have powers outside of the cartel except those plainly necessary for the execution of its provisions; but in this connection I must affirm that the first shock given to the free and continued execution of the provisions of the cartel came from Mr. Davis in his "message" of the 12th of January of the present year, in which he declares his purpose of delivering to the several State authorities South all commissioned officers of the Federal Army who might be captured, to be tried under State laws for the crime of exciting servile insurrection. This stands yet as the avowed purpose of the chief executive officer of the States engaged in the rebellion. It has not been annulled in any form whatever, nor has the act of the Southern Congress in support of Mr. Davis' views been in any manner repealed or disavowed.

Without looking any further I appeal to this as a full justification of the Federal Commander-in-Chief in suspending the operations of that portion of article 4 of the cartel which requires "all prisoners of war to be discharged on parole in ten days after their capture," it being manifest that the authorities South could not parole prisoners according to the cartel and carry out their declared purpose of delivering the officers over to State authorities to be tried as criminals under State laws.

Whatever may have been the reason why the declared purpose of Mr. Davis has not been extensively carried into effect, the fact of the existence of that purpose, sanctioned as we know it to have been, is a sufficient reason on our part for not delivering prisoners on parole, particularly as there is every reason to believe that the purpose of Mr. Davis has only been arrested by the fact that by the fortune of war we had in our hands more prisoners than were held in the South.

In addition to the above the treatment of colored troops, which make an integral portion of the Federal Army, when captured in the South, is too well known to permit us for one moment to suppose, in the present state of things, that there is any design in the South to treat that class of troops according to the laws of war as applicable to other troops of the Federal Army, and until the Southern authorities make some distinct declaration of a purpose to treat colored troops and their officers in the employment of the United States Government in all respects according to the laws of war as applicable to other troops we cannot recede from the position taken by the Commander-in-Chief above referred to.

The wisdom and the necessity of existing orders on this subject will sufficiently defend the measure, in view of the threats and the practices of the South which only need to be known to justify the measure.

It is very well known that Colonel Ludlow made these subjects the frequent topic of conversation with Mr. Ould without producing any impression on Mr. Ould tending to the point of inducing a declaration by authority from the South that all officers of the Federal Army, as well as enlisted men, shall receive when captured the treatment due to prisoners of war, with the express declaration that colored troops, both officers and men, shall receive similar treatment.

You will please communicate these views to Mr. Ould, with a request that he will lay them before his Government.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General and Commissioner for Exchange.

(Copy furnished by Meredith to Ould.)

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., November 28, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to forward herewith copy of Mr. Ould's declaration of exchange of July 13, 1863.*

Very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

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* See p. 113.

FORTRESS MONROE, VA., *November 28, 1863.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that in accordance with your order of the 26th instant I have this day had an interview with Brig. Gen. S. A. Meredith, commissioner for exchange, in relation to making suitable provision on the flag-of-truce boat for the reception of sick Federal paroled prisoners of war who may be delivered from time to time at City Point. General Meredith stated that he was not aware of any additional provision being necessary on board the boat, but referred me to Major Mulford, in charge of the flag of truce. He states that the boat, being under the control of the Quartermaster's Department, is liable at any time to be taken from him for other uses, and has several times been so taken to transport troops, negroes, &c., and when returned is usually in a most filthy condition. Unless this can be obviated and the boat placed entirely under the control of the commissioner for exchange there would be no use in providing more extensive hospital appliances than are absolutely necessary, for when the boat is taken for other purposes they would either have to be removed or be in danger of injury or destruction. The boat at the time of my visit was about to leave the fort for City Point with a quantity of stores from the Sanitary Commission, &c., for the prisoners. I requested permission of General Meredith to make the trip to City Point on her that I might have time to make a thorough inspection, and thus insure a full and just report. This he refused to give, stating that his instructions were to permit no one on board without an order from the Secretary of War. I endeavored to telegraph to the War Department for such order, but was unable to do so, owing to the telegraph not being in working order.

From the hasty survey which I was able to make of the boat I have to report as follows: The flag-of-truce boat New York has apparently capacity for transporting 1,000 to 1,200 men. (I was unable to obtain her exact dimensions.) Major Mulford states that she has carried 1,500. The portions of the boat set apart for the use of the prisoners are the lower cabins (below deck), the forward main deck (covered in), and the forward cabin on the upper deck. A portion of those in the lower and upper cabins can sleep in the berths and bunks, while the remainder and those who occupy the main deck have to lie on the deck. Each man is provided with a blanket while he remains on the boat. The rations provided for the prisoners generally consist of bread, coffee, and beef, the latter being cooked before being delivered on board the boat by the commissary. The coffee is prepared by steam. The cabins are well heated by stoves, and the forward deck by a medium-sized cooking-stove, used when necessary for hospital purposes. Ventilation is good, except in the lower cabins, where, though not unprovided for, it is imperfect. I was agreeably struck with the cleanliness and general good order of the boat. The lower cabin aft is appropriated for hospital purposes, and contains fifty-six bunks, with room on deck for ten cots. Being below deck, it is dark, without artificial light, not at all well ventilated, and is, besides, difficult of access for men who have to be carried. When the sick are more numerous than this cabin can accommodate the surplus are placed in the upper forward cabin, which is very much better adapted for this purpose than is the lower cabin, light and ventilation being much better, and it is easier of access. It contains twenty state-rooms, with two berths in each, and room on the deck for about forty cots. It is divided by a partition from the after

cabin, which is used as quarters for the officers of the boat, and through which it is reached from the main deck by a broad stairway.

Acting Assistant Surgeon Carey is the medical officer in charge, assisted by an acting hospital steward, two nurses, and two negroes for police duty, &c. These, Doctor Carey states, are sufficient, for in every load of prisoners there are many who are able and willing to act as nurses. Through Doctor Carey I ascertained that there are on board 600 blankets, 40 cots, 160 bed sacks, all filled with straw except 15, a sufficient supply of urinals and chamber utensils, and a sufficiency of table furniture. These are all in tolerably good order, except that, as I am informed, the blankets are not, as they should be, washed after each trip. There is no difficulty in obtaining abundant supplies of medicines and materials for dressing, as well as prepared coffee and beef tea from the medical purveyor. The coffee and beef tea are prepared for the use of the sick by means of a steam apparatus. In cases of necessity, the doctor says, the captain's wife is very kind in preparing cornstarch and other delicacies. The cooking-stove on the forward deck is also used for the hospital when necessary. The hospital is clean, though not in very good order. Chloride of lime is plentifully used as a disinfectant. I would suggest that a supply of the Ridgewood disinfectant powder be ordered for use on board the boat.

I suggested to Major Mulford that in view of its superior facilities the upper cabin should be used as a hospital instead of the lower cabin. He stated that it was not for the following reasons: The average number of prisoners carried at each trip, except in the case of the last two trips, is 600. Of these the average number of sick requiring hospital treatment is 5 per cent., or about thirty per trip. By occupying the upper cabin as a hospital for the benefit of this small number, some 150 well men, who would otherwise be accommodated here, would have to be placed elsewhere, and there is not sufficient room in the lower cabin to compensate for the loss of this. The last two trips were exceptional ones. In each about 350 men were received, and of these about 200 in each required hospital care, and, of course, had to be accommodated in the best way at command. Again, the passage from City Point to Annapolis only occupies from sixteen to twenty hours, the men spending but one night on board. I do not think that these objections are valid. Let the sick occupy as much room in the upper cabin as may be necessary, and let the well men occupy the remainer if they cannot be comfortably placed elsewhere. As to the short duration of the passage, that can be no reason why the poor fellows should not be made as comfortable as possible while it lasts.

In reference to the rations for the prisoners generally, I think that a supply of good vegetable and beef soup would be very much better for men in their condition than the cold boiled beef now issued. It has been suggested to me that the men should have facilities for bathing, and be furnished with clean clothes on board the boat. If she was a regular hospital boat, or if the passage was of any great length, this should certainly be done, but in view of the present circumstances of the case I do not see the necessity of it. There are much better facilities for doing this at the hospital than could possibly be provided on board the boat. During the cold weather I would suggest that the boat carry a sufficient supply of blankets to furnish each prisoner with at least two during his stay on the boat, instead of but one, as at present. With the above-mentioned exceptions, I think the flag-of-truce boat is sufficiently provided for her ordinary trips. When a load of sick and wounded prisoners are expected, I would suggest that a

regular hospital boat be sent for them. General Meredith and Major Mulford both coincide with this suggestion. There are, or were, some time since at Washington three hospital boats under the control of the medical department, one of which might be employed for this purpose. Major Mulford, however, states that he has been informed by the rebel authorities that no more sick prisoners will be sent to City Point, for the present at least. With reference to telegraphing to Colonel Waite at Annapolis of the expected arrival of the boat and the number of prisoners on board, Major Mulford states that he has done so hitherto. A copy of his telegram to Major Chamberlain on his last trip accompanies this report. The fault of failing to notify the surgeon in charge of the hospital seems to lie at Annapolis instead of with Major Mulford.

Respectfully submitted.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure.]

FORTRESS MONROE, VA., *November 17, 1863.*

Major CHAMBERLAIN, *Annapolis, Md.:*

I leave here to-night with 350 prisoners; 200 will require hospital accommodations.

JNO. E. MULFORD,
Major and Assistant Agent for Exchange.

NOVEMBER 28, 1863.

This letter was read in manuscript to the Secretary of War and approved and its publication sanctioned.

E. A. HITCHCOCK.

Exchange of prisoners.—Important statement by Major-General Hitchcock.—Why the exchange was stopped.—Rebel subterfuges and quibbling.—The disposition made of colored soldiers and their white officers.

WASHINGTON CITY, *Saturday, November 28, 1863.*

To the Editor of the New York Times:

The public appears to be in need of information on the subject of the exchange of prisoners of war. The condition of our men held as prisoners of war in Richmond, the extreme sufferings to which they have been subjected, contrary to the usages of war and the dictates of humanity, have naturally aroused the sympathies of our people, and the question is asked by many, Why are they not exchanged?

I propose to furnish you a statement of facts, from which a judgment may be formed in answer to the question just stated.

On the 16th of January of the present year Colonel Ludlow, then stationed at Fortress Monroe as the agent of exchange under the cartel which was published in September, 1862, addressed me a letter, forwarding a copy of the Richmond Enquirer of the 15th of that month containing a message to the rebel Congress from Jefferson Davis referring to the proclamation of the President of the United States, dated the 1st of January, on the subject of slaves within certain designated

portions of the United States. The denunciatory character of Mr. Davis' message, leveled against the proclamation of the President and against the loyal people of the Union, will be remembered by most of your readers at this time.

One passage in the message of Mr. Davis very clearly indicates the policy then determined upon in the South, expressed in these words:

> So far as regards the action of this Government on such criminals as may attempt its execution (referring to the proclamation of the President of the United States), I confine myself to informing you that I shall, unless in your wisdom you deem some other course more expedient, deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured by our forces in any of the States embraced in the proclamation that they may be dealt with in accordance with the laws of those States providing for the punishment of criminals engaged in exciting servile insurrection.

Colonel Ludlow, in forwarding the message, gives an opinion in the following words:

> His (Mr. Davis') determination, avowed in most insolent terms, to deliver to the several State authorities all commissioned officers of the United States that may hereafter be captured will, I think, be persevered in.

This opinion of Colonel Ludlow was, without doubt, well founded at the time, so far as the rebel authorities had the power or dared to put in force the threat of Mr. Davis, which met the approbation of the Confederate Congress, and I hazard nothing in saying that the sole reason why this threat has not been more openly executed in the South has been the preponderance of Northern power, as shown by the superior number of prisoners of war held in the North against those held in the South; and if this inequality could now be neutralized, or if the South could succeed in capturing an excess of prisoners over those held in the North, not a moment would be lost by the rebel authorities in putting in force the threat of Mr. Davis. Whoever doubts this must be utterly ignorant of the spirit which animates those who are struggling in the South to destroy the union of the States in behalf of a Government whose corner stone is slavery.

But the point thus stated will not be further insisted upon at this time, because, whatever was the threatening character of Mr. Davis' declared purpose, as set out in his message, it has been thrown entirely into the shade by subsequent events, which are but just now being developed, growing out of the most solemn acts of the Government of the United States.

It is generally known that when the Congress of the United States proceeded to authorize by law the employment of colored troops for the suppression of the rebellion there was, throughout the whole length and breadth of the South, one universal cry of real or well-affected indignation, accompanied with the wildest threats of vengeance against such officers as might be captured with colored troops; while the colored soldiers themselves, it was everywhere declared, should be either "returned or sold into slavery." It was everywhere published throughout the South that this class of troops were not entitled to and should not receive the protection of the laws of war, and the strongest terms which infuriate madness could devise or invent were used in condemnation of the measure authorized by the United States Government.

What has actually been done up to the present time in the South in obedience to this spirit of vengeance so openly declared it may be impossible to determine in detail, except in a few scattered instances; but it is a most significant fact that in no single instance has the smallest evidence come to light tending to show that any officer connected with colored troops has been captured alive and held in the

South as a prisoner of war; nor has any colored man employed as a soldier of the United States been captured in the South and accounted for as a prisoner of war. To any reasonable man this glaring fact might be sufficient to show the fell purposes of the rebel authorities to countenance, if they have not directly ordered, the destruction of this class of troops whenever and wherever they unhappily fall into their power. From the nature of the case, the evidence of the proceedings in the South, when characterized by the murder of colored troops and their white officers, can hardly be expected to reach the public through the Confederate authorities, but we must look for them chiefly through indirect disclosures, such as may be found in a paragraph from a New York paper of a recent date, in the words following:

Rebel barbarity.—The following is an extract from a letter dated Port Hudson, November 3, written by a captain in the Seventh Regiment, and addressed to his father in New York:

"We have just received information of a positive character (we only had rumors before) that First Lieut. George B. Coleman, jr., of New York City, who was captured about two months ago while out on a raid, was hanged within twenty-four hours afterward, together with some twenty privates (colored) who were taken with him. I hope some action will be taken on the subject, and that soon. I know that the officers and soldiers of the Corps d'Afrique will take immediate and final action if they ever get into a fight. The men of the command will endeavor to protect themselves from such a fate though the Government should neglect to do it."

The Government of the United States in authorizing the employment of colored troops for the suppression of the rebellion bound itself, and is undoubtedly under the most solemn obligation, to use its utmost power to throw over that class of troops the protection of the laws of war, and stands engaged before the world to make no compromise whatever which shall jeopardize the claim of this class of troops when captured to be treated with that humanity which is due to all other troops in like circumstances according to the laws of civilized warfare.

While we know of some individual instances in which the rebels have violated the laws of war, we do not know of a single instance in which they have respected those laws in their treatment of colored troops, and when the rebel agent of exchange offers, as he has done, to exchange all the prisoners of war in his hands against all that we have in our hands, the surplus to remain on parole, it would manifest the most stupid blindness on our part to imagine for one moment that he has ever intended to include colored troops as subject to exchange. He might say, and with verbal truth, speaking individually, that he would deliver, under certain conditions, all prisoners in his hands without intending to include this class of troops, because, by the action of the Confederate authorities, not a single man, officer, or soldier belonging to the Corps d'Afrique has been or will be permitted to come into his hands. They have, on the contrary, when captured, been either murdered, cast into prison, or sold into slavery. They are not recognized in the South as soldiers.

Among a few instances serving to illustrate the spirit and purpose of the rebels in their treatment of colored troops or colored persons in the employment of the Government it may be stated that two colored men employed in the Navy who were captured near Charleston were heavily ironed and cast into prison in that city, beyond which fact we have no trace of them. We know of two free colored young men belonging to a Massachusetts regiment having been publicly sold into slavery in Texas, the price they brought under the auctioneer's hammer having been reported. We know of one case which directly illustrates

the spirit of the rebel authorities on this subject and which demonstrates the little faith to be placed by us upon rebel agreements for exchange. Only a few weeks since a proposition was made from our side that all chaplains held as prisoners of war should be mutually released, irrespective of numbers, on either side. The rebel agent, Mr. Ould, professed to accept this proposition "cordially," upon which we sent to the South all we had of that class of non-combatants in good faith and received from the South about one-half the number belonging to us, supposing this was all they had in custody; but, as I now learn upon authority which I am not at liberty to discredit, a chaplain belonging to a Massachusetts colored regiment upon being captured was heavily ironed and sent to a prison in Columbia, S. C., where he has been held in violation of Mr. Ould's "cordial" acceptance of the proposition for a general release of this class of persons. I have every reason to believe that this particular chaplain, because he had belonged to a colored regiment, was deliberately withheld. Another chaplain, who had been his fellow-prisoner, was separated from him and released, from whom we learned the facts in the case as just stated. Within the past few days, upon a formal application made by General Meredith at my instance to learn the history of two men who were reported to be and are believed to be officers of the Federal Army said to be in the hands of the enemy, Mr. Ould furnished to General Meredith what purported to be the proceedings of a civil court in the State of Virginia, the testimony in the cases not being furnished, by which it appeared that the two men had been sentenced to a penitentiary for a term of years on a charge of negro stealing; and the Governor of Virginia, or of that part of it in rebellion, indorsed on the application of General Meredith a declaration that the two men in question should remain in the penitentiary while he remained Governor of Virginia. In these instances there can hardly be a doubt but that these two men are undergoing humiliation and suffering because of their connection with the Federal Government on the pretense of being subjected to a penalty for negro stealing.

I suppose it unnecessary to proceed further into detail to show to the satisfaction of every one who is willing to accept the truth that the practice of the South has been and is entirely in keeping with the spirit of Mr. Davis' message to the rebel Congress, or is carried beyond it, and that there has not been up to the present time the slightest indication of a purpose to relax, in any respect whatever, the execution of their declared policy in the treatment of colored troops and their white officers who may fall into their hands; and I hold it to be certain that while they will keep from the light as much as possible their barbarous practices they will pursue them inexorably unless they can be made to feel that the national power is the strongest and can show itself by the actual possession of a body of their troops held in the North as prisoners of war, who, by the laws of war, are liable to be used for retaliatory purposes.

It has been supposed, even in many parts of the North, that the proposition of Mr. Ould of the 20th of October for an exchange of prisoners is fair and ought to be accepted, but it does not appear to be considered that Mr. Ould has not proposed to yield to us a certain number of prisoners of war and receive a like number in return, which would be a most happy consummation that would be at once accepted by this Government. But his proposition is that we shall deliver to him all of the prisoners in our possession, amounting now to about 40,000 men, and receive in return about 13,000 men, leaving about

27,000 men who might, for a few days, be considered on parole not to take arms unless duly exchanged; and then what would Mr. Ould do with those men?

Judging by what he has actually recently done, he would undoubtedly assume to discharge those men from all obligations under their parole and put them into the field to fight against national troops standing under an unstained national flag—the very troops who gallantly captured those men upon bloody battle-fields within the past few months.

To show the extreme probability of this it is only necessary to refer to a few facts, beginning with the statement of Mr. Ould to General Meredith, officially communicated to me, that he (Mr. Ould) would "proceed to make declarations of exchanges whenever he conscientiously felt the right to do so, for the purpose of putting men into the field," thus openly setting aside the cartel and the laws and usages of war in favor of his individual sense of right, which sense of right in Mr. Ould is so obtuse and wild as to justify him in making use of a "tabular statement" of alleged captures, principally in the Western States, amounting to over 18,000 men, a considerable portion of whom were undoubtedly captured by guerrilla parties and were not soldiers, but for the most part peaceable citizens of the country, probably known as friends to the Union, who for that reason were seized and compelled to make an oath not to take arms against the Southern Confederacy. And this class of persons Mr. Ould expects us to accept in exchange for rebel troops, captured mostly at Vicksburg, who, having been paroled in the South, were "declared" exchanged by Mr. Ould without any conference or understanding with our agent, in violation of the provisions of the cartel and in violation of the usages of war.

It must be borne in mind that the cartel was virtually abrogated by the message of Mr. Davis; not, indeed, as to its binding character upon the South, for Mr. Davis had no power under the laws of war to abrogate the provisions of that instrument, but his declared purposes, in violation of the cartel, would have fully justified the United States Government in declaring its provisions null and void, while at the same time the Government has been at liberty to require its observance on the part of the South.

I do not mean to deny in the reference just made to the tabular statement prepared by Mr. Ould but that there were some men included in that statement who had been legitimately made prisoners of war, though not delivered according to the cartel; but for the most part the prisoners included in that tabular statement were not set down as having been captured upon any known battle-field or as having been taken from or with any known Federal commander, nor are they reported as having been delivered to any Federal commander, but they are set down as having been captured at large in the State of Kentucky, nobody knows where, or in the State of Tennessee, or in other States of the West and South, whilst in no less than four instances they are reported as having been captured in "Kentucky and Tennessee"—the two States being thus coupled together—making it impossible, from the tabular statement itself, to determine where they were captured, or whether, indeed, any military captures whatever were made, except a few at Chickamauga and possibly a few at one or two other places.

Mr. Ould is a mere agent under the cartel and has no powers beyond those recognized in the cartel for the execution of its provisions, yet he has recently assumed to decide an important question by which he

undertook to liberate from the obligations of their parole the whole of the prisoners, some 6,000 or 7,000, captured by General Banks at Port Hudson and paroled by General Banks under a special agreement with the rebel commander.

The world knows that those prisoners fell unconditionally into the hands of General Banks at the surrender of Port Hudson, and General Banks had the power to send them to the North if it had been his pleasure to do so; but he made an agreement with the rebel commander to release them on parole, and released them at Mobile in conformity with the agreement.

The cartel for the exchange of prisoners provided two places for their delivery, to wit, City Point, on James River, and Vicksburg, on the Mississippi; but it provided also that when either of these places should become unavailable by the exigencies of war for the delivery of prisoners other points might be "agreed upon" by the commanders in the field. This was precisely what happened. Vicksburg having fallen into the hands of General Grant, had by that exigency become unavailable for the delivery of captured rebel soldiers, and when subsequently General Banks came into possession of several thousand prisoners by the unconditional surrender of Port Hudson he made an agreement with the rebel General Gardner, their commander, to deliver his prisoners on parole at Mobile, and did so.

Mr. Ould, without any proper authority whatever, assumed to write a letter on the 10th of October last, a copy of which he has not furnished us, but which has been published in a Richmond newspaper, in which he attempts to release all of those prisoners from obligations under their parole, because, as he undertakes to decide, they were not delivered at places named in the cartel, when the cartel itself provides for other places of delivery than those expressly named in the cartel when rendered necessary by the exigencies of war. In the meantime, however, it cannot be doubted that the body of men in question have been put into the field to fight again the Federal troops by whom they were captured but a few months since; and this, too, without having been exchanged and without having been properly released from the obligations of their parole.

Since writing the above I have received an official report from General Meredith, one point in which will be here stated, to wit, that General Meredith, for the purpose of withdrawing our suffering prisoners from Richmond, distinctly proposed to Mr. Ould that he would send him 12,000 or more Confederate prisoners, as many as he might hold of our men, and receive in return our prisoners held in the South, which proposition Mr. Ould refused to accept, but said that he would agree to a general exchange, the effect of which undoubtedly would be to cancel the excess of prisoners in our hands by a delivery of about 40,000 for about 13,000; to leave the rebel authorities the entire disposition of such colored troops and their white officers as they might capture; to expose Captains Sawyer and Flinn to their fate under orders in Richmond which have never been countermanded; to turn loose again certain notorious guerrilla leaders to renew their ravages in Kentucky and Missouri (neither of which States have ever united with the so-called Southern Confederacy); to put into the field a fresh army of rebels to be recaptured, and, in short, we should deliberately neutralize or throw away a chief part of the power of the Government at this time, through which there may be some hope, by measures yet to be decided upon, of controlling the action of the authorities in Richmond in their treatment

of prisoners of war, and compelling them to respect the laws of war, if they are deaf to those of humanity.

We consider that at this time the rebel authorities owe us upon the exchange list more than all of the prisoners of war they now hold as equivalent for the prisoners paroled by Generals Grant and Banks; and even already the question has come up from General Grant's glorious battle-field at Chattanooga as to what shall be done with a body of the enemy who, having been paroled as prisoners of war at Vicksburg, have been recaptured in arms at Chattanooga without having been properly exchanged.

I ought to state here that the Government of the United States would not haggle about a few men, more or less, if it were hundreds or even thousands, if the question was the relief, and that alone, of our suffering prisoners in Richmond; but whoever considers the above statement of facts cannot fail to see that other questions and points are involved, which it is not safe, if it were honorable, for this Government to overlook.

It should be stated also that an offer was made to the rebel agent some days ago to receive all of the prisoners from Richmond under a solemn pledge that they should not be allowed to take arms unless duly exchanged with the consent of the rebel authorities, without reference to existing difficulties on the subject of exchange, and that this Government would pledge itself to both feed and clothe all rebel prisoners in our hands.

This proposition also was rejected, and the Secretary of War was thus greatly restricted in his means of affording immediate relief to our prisoners in Richmond, but they have not been overlooked. God forbid. The Secretary of War has ordered both clothing and provisions to be sent through the rebel lines to sustain them, although those supplies from the necessity of the case have been intrusted to the honor and humanity of the enemy, whose agents may or may not permit the supplies to be delivered.

Meantime it is well for the country to understand that this rebellion is to be put down by organized armies in the field, acting upon and destroying organized opposition to the Government, and no real progress can be made except in this direction, to which end the energies of every loyal man in the country should be devoted. The progress already made in suppressing the rebellion may afford the fullest assurance of final success, and this end will appear the more certain when it is considered that the Corps d'Afrique in the service of the Government already numbers 50,000 brave, athletic men, who are fighting in support of this Government under the guidance of a body of most earnest and intelligent officers, who count their lives as subordinate to the cause they are engaged in.

I undertake to assure my countrymen that the hopes of the most sanguine have been more than realized in the facility with which the Government has brought within its power of organization the colored population of the country, and the system contains within itself such powers of expansion that slavery in the South is inevitably destined to give way before it when this element is seen to work, as it will, in harmony with the organized loyal power of the nation directed to the preservation of republican institutions and the union of the States under one General Government, capable of giving protection to the whole from both domestic disturbance and foreign invasion.

Very respectfully, your obedient servant,

E. A. HITCHCOCK.

GENERAL ORDERS, No. 59. HDQRS. TRANS-MISSISSIPPI DEPT., *Shreveport, La., November 28, 1863.*

The following notice relating to paroled prisoners is published for the information and guidance of all concerned:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., October 10, 1863.

Lieut. Col. N. G. WATTS, *Mobile, Ala.:*

SIR: All the prisoners taken at Port Hudson and there paroled by General Banks are free to go to duty. Neither our Government nor the Federals recognize the parole. * * *

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

In accordance with the above all officers and enlisted men in the Trans-Mississippi Department embraced in the foregoing notice will report immediately for duty.

By command of Lieut. Gen. E. Kirby Smith:

S. S. ANDERSON,
Assistant Adjutant-General.

SPOTSWOOD HOTEL, *Richmond, Va., November 28, 1863.*

Surg. Gen. S. P. MOORE:

SIR: In compliance with your request I herewith hand you a report of the condition of prisoners of war confined in the cities of Louisville, Ky., and Cincinnati, Ohio, United States of America.

I was in the former city on the 2d of September last. There was a large number of prisoners confined there. The quarters are very poor and filthy in the extreme. The food furnished was poor in quality and insufficient in quantity.

The treatment of the Federal officers to them was harsh.

I saw in the prison a number of Morgan's men, confined in irons. These men were held under various charges and were not allowed to see their friends, nor even allowed to employ counsel. The prisoners were not allowed to have money. Neither clothing nor money were allowed to be sent them by their friends.

The regiment garrisoning the place was the Twentieth Kentucky, commanded by Lieutenant-Colonel Hanson, who were captured and paroled by General Morgan on the 5th of July, 1863.

I was at Kemper Barracks on the 5th of September. Confederate prisoners and Yankee deserters were confined together in one large room in the fifth story of the building. The room was very much crowded and badly ventilated. All calls of nature were attended to in the same apartment; there being no vessels in the room the men were compelled to empty the contents of their bowels and bladders on the floor. I saw one lot of Confederate prisoners sent from this prison to Camp Chase. They were handcuffed in pairs before starting.

The hospitals in both cities were excellently arranged and every kindness shown our men there by the surgeons in charge.

Respectfully submitted.

J. F. KEISER,
Surgeon, Confederate Army.

[First indorsement.]

DECEMBER 3, 1863.

Respectfully referred to Brig. Gen. S. A. Meredith, with a request that he will carefully note the contents.

RO. OULD,
Agent of Exchange.

[Second indorsement.]

FORT MONROE, *December 3, 1863.*

Respectfully referred to Colonel Hoffman, Commissary-General of Prisoners.

S. A. MEREDITH,
Commissioner for Exchange.

BALTIMORE, MD., *November 29, 1863.*
(Received 8.15 p. m.)

Hon. E. M. STANTON, *Secretary of War:*

I am willing to go to Richmond as a private citizen to look after provisions sent to our prisoners and to do all I can to alleviate their sufferings. Have reason to believe that Ould will favor my coming. I have sent proposition to General Meredith to make to him. Will Department authorize to present it? It is by no means a desirable mission, but I am ready if the Government does not object.

C. C. FULTON.

NOVEMBER 29, 1863.

Col. C. V. DE LAND,
Commanding Camp Douglas, Chicago, Ill.:

COLONEL: Hereafter you will permit prisoners of war to receive such articles of clothing as may be absolutely necessary only from their immediate families, not from friends and sympathizers. If a prisoner has a suit which he can wear nothing more can be given to him. Boxes of clothing or other articles of distribution will not be received, nor will you receive contributions of liquors for the sick. Whatever is necessary and proper will be obtained on requisition made on the medical department. You will not receive on deposit for any one person more than $10, unless it is found in his possession when he is delivered to you.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. U. S. TROOPS IN WESTERN LOUISIANA,
New Iberia, November 29, 1863.

[Maj. Gen. R. TAYLOR:]

GENERAL: I acknowledge the receipt of Brig. Gen. T. Green's letter of the 27th or 28th instant referring to an exchange of prisoners which he is authorized by you to offer.

I state in reply that if you will commence the exchange without regard to the regiments or corps to which the prisoners belong I am willing to exchange man for man, and will appoint a general officer to arrange at once with General Green a place for the delivery of the prisoners on both sides.

I also make the proposition: I will have brought here and sent to such point of delivery as you may designate clothing and blankets for the prisoners of war that remain in your hands, provided you will permit the articles to be delivered to the prisoners, the United States engaging to pay a reasonable price for freight and handling.

Another matter which I have been intending for some time to bring to your notice is this: When a part of my force was at Carrion Crow Bayou previous to October 21 last three of my men were placed as a safeguard at the house of a French subject, on the road from Carrion Crow Bayou to Vermilion. I do not know his name. They were taken by some of your troops on the night before I moved forward from Carrion Crow Bayou to Opelousas. Another man, who was placed as a safeguard in the house of Mrs. May, a widow, not far from Bisland, was captured in September last.

In my opinion these men are not legitimate prisoners of war and ought to be sent back to us with their arms and accouterments without exchange. A precedent has been established in the armies in Virginia, as General R. E. Lee has lately sent back men to General Meade who were captured under precisely the same circumstances.

As my sole object in placing these safeguards was to lessen the sufferings of inoffensive persons, and was not in the slightest degree military or dependent upon the friendship or enmity of the persons to the United States, I hope that you will acknowledge the propriety of my request and return the prisoners referred to without exchange. They are Private Henry C. Marsh, Company C, Twelfth Connecticut Volunteers; Private Francis C. W. Rogers, Company D, Twelfth Connecticut Volunteers; Private Hugh Monroe, Company H, Twelfth Connecticut Volunteers; Private Louis Ulrick, One hundred and sixty-fifth New York Volunteers.

I am, very respectfully, your obedient servant,

W. B. FRANKLIN,
Major-General, Commanding.

BALTIMORE, *November 30, 1863—12 m.*
(Received 12.15 p. m.)

Hon. EDWIN M. STANTON, *Secretary of War:*

On last Friday, understanding that the Hon. Montgomery Blair had interceded with the President on behalf of ex-Governor Pratt, arrested for disloyalty and about being sent South, I telegraphed the facts, and was answered that the President was too ill to attend to it. I have no response since. Governor Pratt declines taking the oath or giving his parole, as he says he owes allegiance to Maryland and obedience to the General Government.

DONN PIATT,
Chief of Staff.

NEW YORK STATE LUNATIC ASYLUM,
Utica, November 30, 1863.

Hon. EDWIN M. STANTON:

DEAR SIR: I am desirous of publishing a review of the trial of Doctor Wright in the American Journal of Insanity, unless in your judgment such a publication would be inexpedient. Will you be kind enough to inform me whether the Government has any objection? The journal is a quarterly, published by this institution, and edited by its medical officers. I take the liberty of inclosing a communication* made by me to the New York Times in regard to the Eastern Lunatic Asylum of Virginia.

Very respectfully, yours,

JOHN P. GRAY.

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* Not found.

[First indorsement.]

JUDGE-ADVOCATE-GENERAL'S OFFICE,
December 4, 1863.

The writer of this letter was selected by the President as a commissioner to investigate the alleged insanity of Doctor Wright. He did so and made an elaborate report, fully sustaining the ground taken by the Government that no insanity was present at the time of the commission of the murder. I see no objection to his preparation and publication of the review of the case, which he suggests and desires to make. It would probably be in the interests of science, as well as of public justice.

J. HOLT,
Judge-Advocate-General.

[Second indorsement.]

WAR DEPARTMENT, *December 5, 1863.*

Approved.
By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

NEW YORK, *November 3, 1863.**

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

DEAR SIR: While I am not disposed to trouble you with any complaints of our citizens, nevertheless there are occasionally matters brought to me that I feel it my duty to present to the War Department. Mr. Hitchcock, one of the proprietors of the Fifth Avenue Hotel, is undoubtedly well known to you as one in whose judgment and integrity reliance can be placed. I inclose his letter of 30th of October, written to show how greatly our military prisoners are suffering in the Libby Prison at Richmond. If anything can be done for their relief, I pray that it may be, and I may add, that I know it will be.

I am, very truly, yours,

E. D. MORGAN.

[First indorsement.]

WASHINGTON, *November 5, 1863.*

This subject is now, and has been for some time, under special examination. It is surrounded with very great difficulties. Among them the probable want of means (with the rebel authorities) for the relief of our men. The subject is in no sense abandoned as past all hope, but is constantly before the proper authorities, and every effort is made to afford relief.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Second indorsement.]

WAR DEPARTMENT, *November 6, 1863.*

Respectfully transmitted to the Commissary-General of Prisoners for file.

By order of the Secretary of War:

JAS. A. HARDIE,
Assistant Adjutant-General.

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* Improperly printed out of its regular sequence.

[Inclosure.]

FIFTH AVENUE HOTEL, *New York. October 31, 1863.*

Hon. E. D. MORGAN, *U. S. Senate:*

DEAR SIR: Excuse my taking the liberty of calling your attention to the condition of our officers at the Libby Prison, Richmond, and to the case of Colonel Cesnola, of the Fourth New York Cavalry, in particular. Nine hundred and twenty-two are now in four badly ventilated rooms at the above-mentioned place, without decent food, with no changes of clothing, covered with vermin, and in an atmosphere which has destroyed the lives of some of the strongest of them in four days. Many of them are sick, all of them are emaciated, heartsick, and dispirited, all enduring this in behalf of a Government whose administration should rescue them quickly and honorably.

Colonel Cesnola, of noble descent, possessed of a fine military education and having had several years' experience in that model service, the Sardinian Cavalry, and having also been on the staff of the Sardinian commander in the Crimea, is particularly distressed by this confinement. His wife (a daughter of the late commander Reed) has just borne him a daughter, and is painfully wearied with this watching for his exchange. Others who have been confined a shorter time than he have (for political or good reasons) been exchanged, which is truly chilling to a patriot's heart. Without imposing upon your time and patience, allow me to hope that if an opportunity offers you will not let it pass without making an effort for his release. This is all that I can ask of you, and I am well aware that it is all that you can grant consistently with your arduous public and private duties. There are others who know Colonel Cesnola well, who appreciate his career in Europe and in this country, who know he is not only an Italian, but an American patriot, and who would earnestly join with me in this appeal.

I am, your obedient servant,

HIRAM HITCHCOCK,
Of Hitchcock, Darling & Co., Fifth Avenue Hotel.

OFFICE OF ROBB & MACCONNELL, ATTORNEYS AT LAW,
Pittsburg, November 30, 1863.

Hon. E. M. STANTON:

It is rumored and generally believed that the party of John Morgan's rebels now in our penitentiary are feasted and toasted and waited on by the copperheads of the community in a manner which requires some attention from Washington. You are probably aware that William H. Smith and John Birmingham have something to do with the penitentiary. Their status on the rebellion is not equivocal.

Your fellow-citizen,

ROBERT ROBB.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
December 11, 1863.

Respectfully referred to the Secretary of War with the recommendation that the prisoners of war in the Allegheny penitentiary be sent to Fort Warren.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

COLUMBUS, OHIO, *November 30, 1863.*
(Received 10.50 p. m.)

P. H. WATSON, *Assistant Secretary of War:*

I cannot learn that any person has been permitted to see or correspond with Morgan save only the necessary guards and attendants. Neither do I find any evidence that he received any aid or assistance without or within in making his escape. A failure to examine and inspect the cells is the sole trouble. The civil authorities connected with the prison insist that this was the duty of the military authorities and the military authorities claim that it was the duty of the warden and his assistants. Both were certainly to blame, for between the two no inspection was had for the last twenty days. I have this moment received information, which I deem reliable, that Morgan is at Toronto, Canada.

DAVID TOD,
Governor.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, November 30, 1863.

Maj. Gen. W. B. FRANKLIN,
U. S. Service, Commanding Troops in Western Louisiana:

GENERAL: I have the honor to acknowledge the receipt of your communication dated November 29, 1863. In reply I have the honor to state that if your expression of willingness to "commence the exchange without regard to the regiments or corps to which the prisoners belong" is intended to embrace those who belong to negro organizations the instructions of my Government preclude me from acceding thereto.

With the exception of members of such organizations I am willing to exchange all prisoners, man for man.

In view of the hardships and sufferings to which the prisoners were subjected and my inability to supply their wants of clothing, I dispatched an officer to Vicksburg to endeavor to make an arrangement for their reception until they should be properly exchanged, and they have been moved in that direction. If such arrangement is effected the prisoners will not require the clothing and blankets to be forwarded to them as you proposed. Should it not be effected I will communicate with you on the subject so that those articles may reach them.

The officers of your command who are prisoners in my hands, a list of whom I forwarded to General Washburn shortly after their capture, are in want of clothing and out of money, and articles necessary for making them comfortable which you may send to Brigadier-General Green will be delivered to them.

Recognizing your statement relative to the improper detention of four men who were captured while acting as safeguards as being well founded, I have directed their immediate release, and at the earliest practicable moment they shall be returned to your lines. I have taken steps to prevent the recurrence of this matter.

Should you accede to my proposition for exchanges as herein stated, I will appoint an officer authorized to negotiate with one whom you may appoint the necessary terms and details.

I am, very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding.

BALTIMORE, *November 30, 1863.*

General MEREDITH:

I received the following dispatch this morning:

WAR DEPARTMENT, *Washington, November 30, 1863.*

C. C. FULTON:

You are authorized to go to Richmond as a private citizen and look after provisions sent to our prisoners and to do what you can to alleviate their sufferings. The Government makes no objection to your doing so. You may proceed to Fort Monroe, and thence to City Point on flag-of-truce boat.

EDWIN M. STANTON,
Secretary of War.

Please communicate my proposition to Mr. Ould.

C. C. FULTON.

WASHINGTON, *November 30, 1863.*

Brig. Gen. S. A. MEREDITH:

From the opinion of Colonel Irvine I am disposed to think that we must send forward the provisions to our suffering prisoners, which you will accordingly do, unless you are positively informed that the rebel authorities divert them to the use of the rebel army.

E. A. HITCHCOCK,
Major-General.

WASHINGTON, *November 30, 1863.*

Brig. Gen. A. SCHOEPF,
Commanding Fort Delaware, Del.:

GENERAL: The Secretary of War authorizes the erection of a smallpox hospital of suitable extent on the New Jersey shore for the use of the prisoners of war at Fort Delaware. If sufficient ground for the purpose cannot be leased on reasonable terms, he directs that it be seized and occupied. The building should be fitted up with all the necessary conveniences, and should be sufficiently spacious to receive all patients having smallpox or other contagious diseases making it necessary to isolate them. The expense of the erection of the hospital will be paid out of the prison fund. Accurate accounts should be kept as if paid for by the quartermaster's department.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPARTMENT,
Washington City, November 30, 1863.

Col. DONN PIATT, *Baltimore:*

This Department will not interfere in favor of Governor Pratt or any one who disowns his allegiance.

EDWIN M. STANTON.

WASHINGTON CITY, D. C., *November 30, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: On the 4th instant I had the honor to address a letter to you, of which I annex herewith a copy, marked A, on the subject of our

citizens held in Southern prisons, particularly in Richmond, in which I stated, and desire now to repeat, that the principal reason why I have not been able to obtain the release of those citizens has been that the rebel authorities have been endeavoring to compel the Government of the United States to enter into some sort of a cartel or treaty by which, under the pretense of exempting citizens from arrest, rebels would be placed on a footing with citizens, and, in fact, a complete equality of the so-called Confederate States with the United States would be acknowledged.

On the 8th of October last General Meredith addressed me a letter from Fortress Monroe on the subject of our citizen prisoners in Richmond, of which a copy, marked B, is annexed,* by which it will be seen that Mr. Ould, the rebel agent, had expressly declared that he would "not make any special exchanges, but that he was willing to make any arrangement which will be at all reciprocal, and he expressed himself perfectly willing to join in any general principle of exchange;" and the purpose of Mr. Ould or of his authorities is declared in the passage immediately following, to wit:

> In this connection I will state (says General Meredith) that Mr. Ould informed me that the object of the rebel authorities in arresting citizens was a retaliatory measure, and for the purpose of bringing to bear such a pressure on the United States authorities as to cause them to refrain from making more arrests of sympathizers with the South.

It will be seen at a glance that Mr. Ould refused to act upon the assurance of General Meredith that we hold no citizen in confinement on the ground of his being a citizen of the South, but only because of some reason of state—that is, of public safety.

I have not hitherto considered citizens as proper subjects of exchange, but of release, when not held for reasons of public safety, although I have done everything in my power to afford relief to citizens suffering under the policy adopted by the rebel authorities, by which they are attempting to force the Government of the United States to one of two results, to wit, either to acknowledge the perfect equality of rebels with citizens or resort to a war upon citizens in imitation of their barbarous example.

The difficulties on the subject of the exchange of prisoners of war are somewhat complicated, but the vital difficulty is this:

The Government of the United States, by a formal act, authorized the employment of colored troops in the Army, and by that fact bound itself in the most solemn manner, in the eyes of history and of the world, to embody that class of troops as an integral portion of the whole Army, entitled in all respects to the privileges and the protection of the laws of war. This point admits of no question, and will permit no debate calculated to jeopard the claim of that class of troops to be treated in all respects upon an equality with other troops employed in the suppression of the rebellion.

As soon as the policy of the Government was announced on this subject the rebel authorities proclaimed, through their President and through other powers of their so-called Confederate Government, that they would make a distinction against such of the colored troops as might fall into their hands, by which the officers serving with such troops should be delivered over to the State authorities to be tried under State laws for the crime of inciting servile insurrection, while the colored soldiers themselves were to be either returned or sold into slavery.

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*See Meredith to Hitchcock, October 8 (beginning "In accordance with the instructions"), p. 361.

If this fate has not fallen upon any of the officers who may have been taken prisoners while serving with colored troops it is because they have been disposed of in some, if possible, more barbarous manner. As soon as the purposes of the rebel authorities became known an order was sent by the President to our commanders in the field not to grant paroles, and to make no exchanges, without orders from the War Department.

The necessity for this order is too manifest to require explanation; and its existence in full force should continue until the rebel authorities will hold themselves in readiness to exchange captured colored troops, or officers serving with them, grade for grade and man for man, in common with all other troops; those first captured being entitled to the first consideration in the question of exchange.

There have been very serious difficulties on the subject of the declaration of exchange of paroled prisoners, but these are of a totally different character from the one just stated. These difficulties would not of themselves have seriously interrupted the system of exchange under the cartel, turning chiefly as they have on questions touching the validity of certain paroles, according to the laws of war. By the legitimate course of events there fell into the hands of the United States a very large excess of prisoners over those held by the rebels; at one period there being in the power of the Government about 2,500 rebel commissioned officers and about 70,000 rank and file thus held by the Government. This number, however, included the prisoners paroled by General Grant by the terms of the capitulation at the surrender of Vicksburg, the authority for which, on the part of General Grant, existed independently of any general order, according to the usages of war; and it included also some several thousand men captured by General Banks at the unconditional surrender of Port Hudson, who were paroled at Mobile by special agreement between General Banks and the rebel commander; amounting in all to some 38,000 prisoners.

This state of things no doubt became a subject of serious alarm to the rebels, and they determined to employ guerrilla parties, scattered over parts of Kentucky, Tennessee, Missouri, Mississippi, and elsewhere, wherever they could stealthily penetrate, and arrest individuals in many cases, as we have reason to believe, without any pretense even of their having been in arms, and put them under some form of parole, and then call them and count them as paroled prisoners of war. After this work had been going on some time, and the rebels had accumulated a considerable number of these so-called prisoners on parole, the effort was made to turn them to account.

Mr. Ould, the rebel agent of exchange, had delivered at City Point several thousand prisoners according to usage; and in conformity with the terms of the cartel, he had the right to discharge from their parole a corresponding number of his own men, furnishing proper lists, &c., as required by the cartel. If he had pursued this course no exceptions could have been taken to his conduct.

But this open, fair course would not answer his purpose; by this course the guerrilla captures of citizens in the west and southwest could not have been made available.

To carry his point, therefore, he determined to disregard the cartel, and he suddenly, and without any proper conference with General Meredith, sent a written notice to General Meredith that on the next day after the date of the notice he would declare exchanged a large

portion of the prisoners captured and paroled by General Grant, referring to them, however, by corps, regiments, &c., not furnishing any list by which the number he proposed thus to free from parole could be definitely ascertained.

When his declaration was made no list was furnished, and, as in his notice to General Meredith, the declaration extended to corps, divisions, brigades, &c. On consulting the reports made by General Grant, where the divisions, &c., were designated and the strength of each respectively given, it was ascertained that Mr. Ould had actually declared exchanged, and free from their parole, more than he had any proper claim for, in the ratio of 3 for 2, or one-third more than he was entitled to.

Mr. Ould had, however, invited General Meredith to make a corresponding declaration of equivalents, which would have been according to the cartel if Mr. Ould had not in his declaration exceeded the number of paroled prisoners who had been delivered properly under the cartel. This gave the right to General Meredith to make a declaration of exchange, which was accordingly made and published, but Mr. Ould was informed of his irregularity, and a demand was made upon him for the delivery of Colonel Streight, &c., as absolutely due to us.

Mr. Ould denied the right of General Meredith to make this demand, and insisted that we owed him, though to us this was inconceivable upon the facts known to us, and Mr. Ould was called upon for explanations. At length, after making further declarations of exchange on the part of Mr. Ould, he furnished what purported to be a tabular statement of what he called "valid paroles," amounting to over 18,000, which, on the face of it, carried indisputable evidence of the fact that it had been the deliberate work of guerrilla parties, acting over districts of the country for the most part occupied by peaceable citizens, who were put under some kind of oath to keep the peace; and these we were expected to count as soldiers captured in war, according to the laws of war.

This tabular statement we refused to consider as a valid paper, and there the subject remains for the present.

The paroling of several thousand men at Mobile by General Banks, captured principally at Port Hudson, has been made an occasion for raising a question, which Mr. Ould, agent for exchange from Richmond, after making the question, has taken upon himself to decide without any authority whatever. Mr. Ould is simply an agent for the exchange of prisoners under an agreed upon cartel, signed by General Dix and General Hill, acting by authority. Mr. Ould has no powers under the cartel but such as are named in the cartel itself for the execution of its provisions.

The cartel provided two places for the delivery of prisoners of war—City Point, on James River, and Vicksburg, on the Mississippi; but contemplated other places when the exigencies of war might make it necessary.

The capture of Vicksburg by the U. S. troops made the exigency contemplated by the cartel. General Banks, subsequently to the capture of Vicksburg, received several thousand prisoners at Port Hudson, unconditionally surrendered, which were, to use the language of the cartel, "reduced to possession." What was he to do with them? They were completely in his possession, and he could have shipped them to the North either by the river Mississippi, or by sea, by way of New Orleans. He could not deliver them at Vicksburg for the reason just stated. In this state of things he made an agreement with the rebel commander to deliver them at Mobile on parole, and that

commander, in agreeing to this delivery, undoubtedly took upon himself an obligation and bound his Government in honor to protect those men in their parole, and was bound not to allow them to take arms until exchanged.

If there was any question as to the propriety of the arrangement (properly speaking it was a deliberate contract between two generals in the field) it was a question for the Governments to decide. It was a unique case, not at all coming under the rules of any previous practice, for there had been nothing like it; but Mr. Ould, apparently upon his own motion, on the 10th of October declared all of those troops (delivered at Mobile) under no obligation to observe their paroles, their delivery not having been made at City Point. He does not deny that their capture was complete, and that they were in the actual possession of General Banks. He cannot deny that Vicksburg, one of the two points designated in the cartel as points of delivery, had passed out of the rebel hands, making a contingency contemplated in the cartel itself, upon which another place might be "agreed upon." General Banks made an agreement with the rebel general to deliver his prisoners at Mobile, and they were accordingly paroled at Mobile.

That they were paroled in good faith, and were received in good faith by the rebel general, there can be no doubt. It is not a supposable case that either of the parties in the transaction could have acted in ignorance of the cartel, and much less with deliberate bad faith.

While Mr. Ould would thus free from the obligation of their parole several thousand men, who every honorable man will say ought to be protected in their parole, he did not hesitate subsequently to require us to consider as properly paroled a number of the helpless sick and wounded of our men whom General Lee was compelled to leave in the hospitals at Gettysburg, where some unauthorized rebel officer undertook informally to declare them paroled.

This class of paroles, made on the field of battle, where an enemy is unable to secure possession of the captured, is universally declared to be invalid. Troops cannot, in fact, be said to be captured when the enemy can neither secure them nor carry them away. With savages the rule might be different. Savages are expected, because they are savages, to murder helpless prisoners of war. But civilized warfare denounces the practice, and has established the rule that paroles are invalid when exacted under such circumstances.

It becomes my painful duty in this report to touch upon one other subject, which I would gladly pass over in silence if it were possible to do so. I refer to the treatment our men receive in the prisons of the South when captured.

The treatment of prisoners of war is a common topic of complaint between those engaged in war. It is not to be expected that prisoners of war shall uniformly receive the comforts of a camp life, much less those of a garrison life. The severe conditions of war make this next to impossible; but there are limits beyond which bad treatment cannot be permitted to go without subjecting the party permitting or inflicting it to the condemnation of the civilized world. Some of our people in the Richmond prisons and at Belle Isle have been exposed to suffering to such a degree that the terms "shocking," "cruel," "barbarous," and "inhuman" become mild in characterizing it. History can hardly furnish a parallel to it. They have died under the hands of the rebels from both the want of clothing and want of food.

I do not propose to multiply proofs of this, which I have in fearful abundance, and will content myself with reciting two or three documents, including the report of a medical officer upon the condition of a

small party of paroled prisoners received at the parole camp at Annapolis directly from Richmond.

The report is as follows:*

The following is an extract from a statement made by the Rev. John Hussey, delegate U. S. Christian Commission, bearing date November 7, 1863, the Rev. John Hussey having been recently returned from the Richmond prisons:

I wish to add for myself—for I spent three days this week in one of the tobacco factories ("Scott's") with about 160 privates who were wounded at Chickamauga mostly, and now nearly recovered, the others having been sent to Belle Island—I wish to state how they fare. The rations are, for each man, twelve ounces of bread and two to three ounces of beef or mutton in twenty-four hours, given about 1 o'clock each day, and nothing else; no stoves, no fuel, no light at night, no soap. They have no straw or bunks and very insufficient clothing and blankets; not one in four has a blanket. They have very generally bad colds and cough incessantly. They are not allowed to purchase anything. What they get is got by stealth from the guard, who charge them two or three prices for everything they buy for them. I paid $1 for a small six-ounce loaf, but they usually get such a loaf for 50 cents, which is double the price out in the city for bread a little smaller. But the most of the privates were robbed of their money and have to live on their rations. So much for the private soldier.

The following is the substance of what (the names referred to by the Rev. Mr. Hussey are omitted, because the officers are still prisoners in Richmond, and it could do them no good should a publication of them by any chance reach Richmond) generally desired me to communicate to you in relation to the comparative treatment they and the rebel officers in the North receive. From notes of his conversation:

"We receive 12 ounces of bread daily, half a gill of rice, 4 ounces of meat, vinegar and salt, 1 tallow candle to each room containing from 175 to 200 officers. They furnish stoves only for cooking purposes, and scarcely sufficient. We have to furnish our own cooking and table utensils; have to do our own cooking, and rise very early, and then have no means of cooking more than two meals a day. We sleep on the floor without blankets (except as our Government furnishes them to us); are kept in close confinement in closely packed rooms, dark, deep, and insufficiently ventilated, though our windows have no glass in them. Now, we protest against the treatment their officers receive from our Government, and we ask that they be placed in similar position until we and our men are better treated."

They would have sent a petition signed by every officer, but I thought it not safe to undertake to bring it through. They do not ask our Government to retaliate on the private soldier in captivity, but upon the officers.

Let me add, the officers who return South, whether they escape or are released, as the chaplains recently, almost uniformly misrepresent the treatment they receive, and from it justify the treatment our officers receive.†

JOHN HUSSEY,
Delegate U. S. Christian Commission.

Rumors of this inhuman treatment had reached here in one form or another, but for a length of time no definite or authentic information could be obtained.

When it was stated that the provisions furnished to the prisoners were both insufficient in quantity and bad in quality, it was usually asserted that it was as good as the rebel soldiers themselves received; and when it came to be tolerably certain that it was unendurable, that it was the best within the power of the rebel Government to furnish.

As soon, however, as the information became at all definite and reliable the Secretary of War at first ordered a quantity of blankets to be sent for distribution to the prisoners, assurances having been obtained from the rebel agent that they would be delivered. But the reports grew worse, and that very suddenly, taking both the Government and the country by surprise, until the truth was unveiled that our men in

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* See Radcliffe to Vanderkieft, November 2, p. 475.
† For full text of this communication see p. 482.

Richmond prisons and at Belle Isle were freezing to death and dying from starvation. Immediately large supplies of both clothing and provisions were ordered by telegraph to be sent from Fort Monroe to City Point, the rebel agent causing a little delay by refusing to allow our agent to go with the supplies to superintend their delivery, but offering to have them delivered by the rebel commissaries.

The Secretary of War threw aside all ceremonies and ordered the supplies to be delivered to the rebel commissaries, and large supplies have thus been committed to the fidelity of the agents with whom we are at open war. Humanity would allow no other course.

With the authority of the Secretary of War I thought it necessary to address the following letter on the 13th instant to General Meredith,* to be communicated to the rebel authorities, to which I have as yet, probably for want of time, received no response.

This note to General Meredith, to be transmitted to Mr. Ould, was written in the charitable hope that the starvation of our prisoners in Richmond might have resulted in part, if not wholly, from an actual inability on the part of the rebel authorities to provide the supplies they were bound, in honor and humanity, to furnish the prisoners, and that, by a bare possibility, they might avail themselves of the offer to relieve themselves from being publicly exposed to the gravest accusations. It was my wish, also, not to omit anything which offered the least, though ever so slight, prospect for affording relief to our prisoners.

I ought to mention the fact, to the honor of our people, both at home and in the prisons, that the moment it became known to our citizens that our prisoners were suffering offers of assistance came in from all quarters—from sanitary commissions and Christian associations, as also from various business firms and newspaper establishments, and from great numbers of individuals, tendering their sympathies and their services, their hearts and their purses, while many of the suffering prisoners themselves, to their infinite honor, without fully understanding the circumstances in the way of their exchange and release, found means to express themselves willing to endure any amount of suffering rather than that the Government should compromise any principle involved in this war. And here I must remark that this noble, self-sacrificing spirit has been conspicuous among the class of citizen prisoners who have been ruthlessly seized and incarcerated by the insane authorities of the South in the vain hope of forcing the Government into concessions. But the sole effect of this wretched policy has been to inspire the people with patriotism and with a detestation of tyranny, affording assurance that a great principle is at work in the midst of these horrors, whose mission it is to preserve republican government among us, and no local institution will be permitted to crush or destroy it.

It is proper to state in this report that, while our prisoners in the South, especially in Richmond, have been subjected to every sort of privation and suffering, through the agents of the rebel authorities, if not by their countenance, the rebel prisoners in our hands have everywhere been provided with comfortable barracks, except at one single depot, that at Point Lookout, where the prisoners are accommodated with good tents, which, as every soldier knows, are easily made comfortable, and are always thankfully received by troops in the field. At Camp Chase, Ohio; Camp Morton, Ind.; Camp Douglas, Ill.; at Rock

* See p. 515.

Island, on the Mississippi, there are good, comfortable barracks for all of the prisoners; and the rebel officers who, for greater safety, it has been judged expedient to send to Johnson's Island, near Sandusky, Ohio, are amply provided with comfortable winter quarters, with an abundance of fuel; and at all of our prison depots the prisoners are not only comfortably clad, but they receive each a full army ration from the commissary department, including both coffee and sugar.

Whilst engaged in preparing this report I have felt called upon to address a letter to the editor of the New York Times for the purpose of placing before the public a true statement of the causes which have suspended exchanges of prisoners of war, a copy of which, marked C, I annex to this report in further explanation of that subject.*

I also annex hereto a communication from Colonel Hoffman, Commissary-General of Prisoners, of the 30th instant, inclosing a report of prisoners of war exchanged and in custody during the past year.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

[Inclosures.]

A.

WASHINGTON CITY, D. C., *November 4, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I have the honor to state that several applications have been addressed to me having in view the exchange of citizens as prisoners. I have exhausted my efforts by correspondence to induce the enemy to discharge our citizens, held as such, by assurances that we do not hold in confinement any citizen on the ground that he is simply a citizen of the South, but in all cases when arrests have been ordered it has been for some special cause. Mr. Ould, the agent, refuses to discharge our citizens, holding them without any pretense of accusation against them, his object being, professedly, to create such a "pressure" upon our "people" as shall compel the Government to enter into a sort of cartel on this subject, by which this Government would obligate itself to make no arrests of citizens at all, or to hold parties in arrest only under circumstances that would virtually be dictated by the rebels. The visible object of this proposal by Mr. Ould (or his Government) is to place the rebels of the South in all respects on a footing with citizens of the North, by which the Government would relinquish all right to arrest any traitor engaged in the rebellion unless taken in arms.

I have not supposed that the Government can listen to such a proposal.

Meanwhile many of our citizens are suffering in Southern prisons, and the question remains, How are they to be relieved?

One method seems obvious to many who refer to it, verbally and by letters, to wit, that of arresting citizens in the South in sympathy with the rebels, to be exchanged for Union men. This seems to be a first thought with many, but a serious objection to it is that the war, instead of being carried on against organized opposition to the Government, would immediately degenerate into a war against citizens, resulting in an amount of suffering frightful to contemplate, by which the character of the country for civilization and humanity would be hopelessly compromised.

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* See p. 594.

I am not prepared to recommend this course, but I feel called upon to bring this subject particularly to your notice for such disposition as you may direct.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

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*Postscript to the letter of General Hitchcock to the New York Times, published December 2, 1863.**

To the Editor of the New York Times:

In further explanation of the subject of exchanges of prisoners of war I make the following extract from a letter addressed to Mr. Ould by Col. William Ludlow (as agent of exchange), dated New York, July 22, 1863, by which it will be seen that Colonel Ludlow expressly declined to acquiesce in a proposition for the release of the officers captured and paroled by General Grant at Vicksburg:

Your communication of the 17th instant (July, 1863) has been forwarded to me here (Colonel Ludlow being temporarily absent from Fort Monroe at the time). There is no authority in the cartel for your proposed declaration of exchange of your officers captured at Vicksburg in the manner you indicate.

Yet Mr. Ould subsequently, after Colonel Ludlow had been relieved by General Meredith, made the declaration not only for the exchange of the officers, including one lieutenant-general, but of the non-commissioned officers and privates, embracing nearly all of General Grant's captures. Colonel Ludlow proceeds:

The cartel provides for exchanges of equal rank until such are exhausted and then for equivalents. In consequence of the very much larger number of your officers and men we hold on parole and in confinement you can give no equivalents for the general officers you desire to have exchanged. You cannot for a moment assume that you can select a general officer and declare his equivalents in those of inferior rank when we hold the paroles of your officers of the same rank as the latter. But even supposing this arrangement was permitted by the cartel I do not see how you could avail yourself of it at this time.

You will recollect that since the proclamation of Hon. Jefferson Davis of December last, and more especially since the passage of the act of the Confederate Congress in reference to our captured officers, both of which were in violation of the cartel, and have caused in the one case a temporary and in the other a continued suspension of exchanges of officers, that all such exchanges have been subjects of special agreement between us.

To avoid the complications and annoyances of these special agreements I have again and again urged you to return to the cartel, but up to the present moment in vain. On the contrary, you retain in close confinement large numbers of our officers for whom I have made a demand and tendered equivalents. Until you consent to return to the terms prescribed by the cartel for exchanges of officers I shall not consent to any exchanges, except on special agreements.

I repeat to you that I decline to unite in your proposed declaration of exchange of officers captured at Vicksburg, and if recaptured they will be dealt with as violators of their parole. Ought you not, in justice to those officers, to notify them of the exact conditions of their cases and thus enable them to avoid being placed in false positions?

If you are authorized to deliver our officers now held in close confinement, and to a return to the cartel in exchanges of all officers and men, all the complicated questions which have arisen within the last few months can be promptly disposed of.

It has been supposed by some, and the idea seems to have been assiduously set on foot, that because the subject of the exchange of colored troops or of officers confined in Southern prisons, captured

* See p. 594.

subsequently to the proclamation of the President, makes no prominent part of the recent correspondence between General Meredith and Mr. Ould, therefore the stand taken by the South on this subject has had nothing to do with the difficulties on the subject of exchanges; but the simple truth is that the recent correspondence grew out of, and had reference exclusively to, other than specific points of controversy, and there was no particular occasion to discuss in that correspondence the proclamation of Mr. Davis and the proceedings of the rebel Congress on that subject.

It will be seen from Colonel Ludlow's letter that the question was fully stated in all its bearings by Colonel Ludlow, and that Mr. Ould was invited, if he had authority, to return to the cartel; that is, he was invited to abandon the ground taken by Mr. Davis and the rebel Congress. But this he has never done; and to show that the South has definitively taken its stand on this subject, and does not mean to recede from it, the Richmond Enquirer of the 2d instant need only be consulted.

In the issue of that date the Enquirer, on the very question of the treatment of colored troops and their officers, recites a portion of the language of the rebel act of Congress in these words:

> The law of the Confederate Congress, approved May 1, 1863, recites: "That, in the judgment of Congress, the proclamations of the President of the United States, dated, respectively, September 22, 1862, and January 1, 1863, and other measures of the Government of the United States and of its authorities, commanders, and forces, designed or tending to emancipate slaves in the Confederate States, or to abduct such slaves, or to incite them to insurrection, or to employ negroes in war against the Confederate States, or to overthrow the institution of African slavery, and bring on a servile war in these States, would, if successful, produce atrocious consequences, and they are inconsistent with the spirit of those usages which, in modern warfare, prevail among civilized nations. They may, therefore, be properly and lawfully repressed by retaliation."

Here we have the law as it now stands unrepealed upon the statute books of the so-called Confederate States of America; and that this expresses the public feeling in the South we need only read the editorial comments in the Enquirer, where we find this language:

> This law authorizes the President of the Confederate States to retaliate for every violation of the laws or usages of war on the part of the enemy, and declares the commanding, organizing, or aiding negroes in arms against the Confederate States to be inciting servile insurrection, and those so offending, when captured, are punished with death or in the discretion of the court. The law further punishes with death the inciting a servile insurrection or rebellion; and that all negroes and mulattoes taken in arms against the Confederate States shall, when captured, be delivered to the authorities of the State or States in which captured, to be dealt with according to the laws of such State.
>
> The language of this law has been construed by the enemy to apply to free negroes of the United States, and we must admit that such construction is not forced, but does come within the terms of the law. But as it is clearly not within the province of one nation to undertake to prescribe the soldiers which another shall use in its armies, we hope this law will be confined, by additional legislation, to such employment by the enemy of slaves or free negroes of the several States of the Confederacy.

Here we see that the law, as it stands, applies even to free colored men of the North who may engage in the service of the United States; and the editor takes occasion to suggest a modification of the law so far as they are concerned; but there is not a word against the law in other respects. As the law is applicable to both the slaves and the free colored people of the South who may be found in the army of the Government they are to be dealt with according to the provisions of the law, which is all the more distinctly declared by the proposed exception in favor of the free colored people of the North.

But the editor did not intend to leave the smallest doubt as to the purpose of the South on this question; for, after stating an exception

in favor of the free colored men of the North, which, however, the law, as it stands, does not recognize, he proceeds to remark as follows:

> But the employment of our slaves and free negroes rests upon entirely different premises, and retaliation for such employment comes directly under the laws of war. Upon such retaliation we can stand before the nations of the world, just as we can upon the punishment of any deserter from our ranks, or of treason upon the part of any of our people.
>
> "The right of *postliminium*," says Vattel, "is that in virtue of which persons and things taken by the enemy are restored to former state when coming again under the power of the nation to which they belonged."
>
> And the American jurist, Wheaton, says:
>
> "The *jus postliminii* was a fiction of the Roman law, by which persons or things taken from the enemy were held to be restored to their former state when coming under the power of the nation to which they formerly belonged. It was applied to free persons or slaves returning *postliminii*." Here, then, is the law of nations under which the right to return a slave to his master is plainly and fully laid down, and upon this, and also upon the right to punish him for being found in the ranks of the enemy, the Confederate authorities will stand, and from which they will not depart.

Here, then, we have the rebel law and the rebel comment, and we are told in the most affirmative language that upon this the Confederate authorities will stand, and from it they will not depart.

In view of this exposé no one can doubt the purpose of the South on the subject of colored troops who may be captured in the service of the Government; and it is inconceivable how any one can favor the proposition of a general exchange of prisoners while the law in the South is what their own papers represent and approve, and while the practice, unhappily, according to a good deal of evidence, goes beyond the law itself in barbarity.

It may just be remarked that the Richmond editor treats the question as one between two nations already acknowledged as independent; but the recognition of certain belligerent rights, principally affecting prisoners of war, does not relieve rebels from obligations under the Government and laws of the United States. The *jus postliminii*, which even Wheaton calls a fiction of the Roman law, is wholly inapplicable here; and the right of the South to punish any one is without foundation, and must remain so until all rights over the South under the General Government shall cease; and this has now become a question of power as between the Federal Government and the rebellious movement in the South, to reduce which involves the very life of the Union and the Government of the United States of America.

Very respectfully, your obedient servant,

E. A. HITCHCOCK.

NOTE.—Since writing the letter published in the New York Times of the 2d instant I have a further proof of the disposition of the rebel agent to declare prisoners exchanged without regard to the cartel, showing most clearly that the excess of prisoners now in confinement in the North cannot be sent South on parole without imminent risk of their being declared exchanged and put into the ranks without any proper authority.

To understand the last fact that has come to light in this history it is necessary to restate that, after the surrender of Vicksburg to General Grant, the rebel agent of exchange designed to release from the obligations of their parole the Vicksburg prisoners; but (and this he admitted subsequently to his declaration of exchange) he did not know, in detail, what constituted the force captured and paroled by General Grant. This is the reason why in making his declaration he refers not to definite numbers, but to corps, divisions, brigades, &c., enumerating those

best known to him as being a portion of those troops. He afterward made a further declaration including others; but there remained yet some troops under special designations, such as fragments of certain Mississippi regiments of infantry, the Memphis Appeal Battery Light Artillery, the Vaiden Battery Artillery, and other fragments, amounting in all to 1,474 privates, with sundry officers, the knowledge of whom has probably but recently reached him; and as he had determined to free all of the paroled troops in the South within his reach he wrote to General Meredith on the 3d instant, announcing his purpose to declare exchanged on the 6th of the month all of those officers and men; which, of course, he has done, thus carrying out literally his avowed purpose that he would proceed to declare exchanges "whenever he conscientiously felt the right to do so, for the purpose of putting men into the field."

At the time he made his first declaration of exchange (of the Vicksburg prisoners) he stated in a letter to General Meredith that he had "valid paroles" for more than all of the prisoners he had declared exchanged. When called upon for those paroles he furnished the tabular statement, a copy of which is hereto annexed (marked D), amounting to over 18,000 men, as already referred to. In forwarding that tabular statement he informed General Meredith that he had other valid paroles which he was collecting evidence of and which in due time he would claim credit for—thus holding out an indefinite claim for paroles not recognized by the laws of war and of men not delivered according to the cartel; and now, in forwarding the last list, he uses the same indefinite language, that he has in his possession valid paroles "sufficient to counterbalance this and the other exchanges" he has declared.

By this unauthorized procedure the rebel agent would establish a practice by which with the aid of rebel raiders ranging over unprotected portions of Kentucky, Tennessee, Mississippi, &c., he may have it in his power at any time to discharge from their parole any number of men we may permit to go South on parole. If we now call upon him to justify his last declaration of exchange he would without doubt furnish another tabular statement embracing miscellaneous captures by guerrilla parties depredating upon and capturing peaceable people, whose only offense is fidelity to the Government established by their fathers.

I have stated in my report that the rebel agent had delivered at City Point, according to the cartel, about 15,000 men, for whom he had receipts, and that having done so he was entitled to declare a like number of his own men discharged from their parole, he furnishing a "list" of them. Instead of conforming thus to the cartel he has informally, without any proper conference with General Meredith and against the formal protest of General Meredith's predecessor, Colonel Ludlow, actually discharged from their parole and put the officers and men into the rebel army about 37,000 men, and this, too, without giving the smallest intimation, though invited to do so, of a purpose to abandon the grounds taken by the rebel authorities with regard to captured officers of the Federal Army or to captured officers and men of the colored troops, the laws and proclamations with respect to these officers and men remaining unrepealed and ready to be enforced the moment the rebels feel safe in bringing them to bear.

E. A. HITCHCOCK.

D.

Tabular statement of the number of valid Federal paroles.

(This paper was sent by Mr. Ould to General Meredith with a letter dated October 27, 1863.)*

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OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 30, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington, D. C.:

GENERAL: Your note of this date, requesting a statement of the number of prisoners exchanged and in custody on both sides, is just received, and I have the honor to inclose herewith an abstract from the records of this office, showing the number of Federal prisoners who have been in the hands of the enemy, and how many have been released, exchanged, died, or are still held by them up to the 26th instant. A similar abstract of rebel prisoners who have been or are still in our hands is also inclosed.

I have no record of prisoners in the hands of the enemy except the number of officers stated.

I am, general, very respectfully, your obedient servant,
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Inclosure No. 1.]

Consolidated report of prisoners of war (Federal) exchanged, paroled, and on hand at Richmond.

Rank.	Total number.	Value.	Total value.	
			Citizens.	Privates.
Brigadier-generals	9	20	.....	180
Chaplains	9	.....	.....	9
Surgeons	156	.....	.....	156
Colonels	77	15	.....	1,155
Lieutenant-colonels	97	10	.....	970
Majors	106	8	.....	848
Captains	1,197	6	.....	7,182
Lieutenants	1,916	4	.....	7,664
Non-commissioned officers	13,010	2	.....	26,020
Privates and citizens	76,816	.....	806	76,010
Total	.....	.....	806	120,194

	Brigadier-generals.	Chaplains.	Surgeons.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	Lieutenants.	Citizens.	Non-commissioned officers.	Privates.	Total aggregate.†	Total value.	
													Citizens.	Privates.
Exchanged	7	7	72	63	72	77	935	1,303	712	12,232	73,080	87,848	712	110,866
Died	.....	.....	.....	.....	.....	.....	4	2	6	9	186	198	9	218
On parole	1	2	1	.....	.....	1	14	42	88	769	2,744	3,574	88	4,565
On hand at Richmond, Va	1	.....	83	14	25	28	247	569	.....	.....	.....	967	.....	4,545
Total	9	9	156	77	97	106	1,197	1,916	806	13,010	76,010	95,587	806	120,194

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 26, 1863.

*See p. 431.

† Errors evidently exist in this column.

[Inclosure No. 2.]

Consolidated report of prisoners of war (Confederate) exchanged, paroled, released, and on hand.

RECAPITULATION.

Rank.	Total number.	Value of each.	Total value.
Lieutenant-generals	1	60	60
Major-generals	5	40	200
Brigadier-generals	25	20	500
Chaplains	36	.....	36
Surgeons	273	.....	273
Colonels	186	15	2,790
Lieutenant-colonels	146	10	1,460
Majors	244	8	1,952
Captains	2,497	6	14,982
Lieutenants	5,811	4	23,244
Non commissioned officers	16,563	2	33,126
Privates	121,156	1	121,156
Citizens	5,811	.....	5,811
Total	152,764	.....	205,600

	Lieutenant-general.	Major-generals.	Brigadier-generals.	Chaplains.	Surgeons.	Colonels.	Lieutenant-colonels.	Majors.	Captains.
Exchanged	1	4	16	28	93	100	79	117	1,414
Died, released, escaped, &c	.....	.....	1	.....	63	6	.....	7	70
On parole	.....	.....	1	.....	.....	19	16	46	269
On hand November 1, 1863	.....	1	7	8	117	61	51	74	744
Total	1	5	25	36	273	186	146	244	2,497

	Lieutenants.	Citizens.	Non-commissioned officers.	Privates.	Total aggregate of troops.*	Total value.	
						Citizens.	Privates.
Exchanged	3,414	605	9,875	76,281	21,422	605	121,937
Died, released, escaped, &c	140	3,673	830	10,037	11,154	3,673	12,843
On parole	572	116	1,919	12,303	15,145	116	20,876
On hand November 1, 1863	1,685	1,417	3,939	22,535	29,222	1,417	43,814
Total	5,811	5,811	16,563	121,156	76,943	5,811	199,470

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., November 27, 1863.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
December —, 1863.

SUPREME COURT OF THE UNITED STATES:

In the matter of the application for a writ of certiorari to review the proceedings of a military commission lately convened in Cincinnati, Ohio, for the trial of Clement L. Vallandigham, charged with a violation of General Orders, No. 38, issued from the Department of the Ohio, the undersigned, J. Holt, Judge-Advocate-General of the Army of the United States, charged by law with the custody of the record of the

* Errors evidently exist in this column.

proceedings of said commission, and to whom it is asked that said writ shall be directed, submits, by direction of the Secretary of War, the following reasons why said writ of certiorari should not be allowed:

The commission was organized for this trial on the 6th of May, 1863. The General Order, No. 38, was issued and published by Major-General Burnside on the 13th of April, 1863. The order, among other things, declared that the "habit of declaring sympathies for the enemy will not be allowed" in the Department of the Ohio, and that persons so offending, or "who in any way aid the enemy," should be at once arrested and tried by a military commission. Upon the trial Vallandigham was charged and tried for violating the above order by "expressing public sympathy for those in arms against the Government, and declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion." Upon this charge there was a full specification preferred, which was sufficient in form and substance. On the 16th of May, 1863, the military commission, seven of whom were present and tried the case in due form, unanimously reported and found the prisoner guilty of the charge and specification, upon a plea of not guilty entered by the court, as the prisoner denied the jurisdiction of the commission and refused to plead as directed by the commission. The court, upon their finding, sentenced the prisoner to close confinement in some fortress of the United States, to be designated by the commanding officer, there to be kept during the war. The proceedings, findings, and sentences were, on the 16th of May, 1863, duly approved and confirmed by Major-General Burnside, and Fort Warren designated as the place of imprisonment. On the 19th of May, 1863, the President, in commutation of the sentence thus pronounced, directed Major-General Burnside, without delay, to send Vallandigham to the headquarters of General Rosecrans, to be by him put beyond our military lines, which order of the President was executed. On the 9th of May, 1863, the prisoner made application, by Hon. George E. Pugh, to the circuit court of the United States for the southern district of Ohio, for the allowance of a writ of habeas corpus, to be directed to Major-General Burnside, to command him to bring the prisoner before said court. After a full and patient hearing of the application, the Hon. H. H. Leavitt, presiding, refused the writ, declaring, in his opinion, that he "could not judicially pronounce the order of General Burnside for the arrest of Mr. Vallandigham a nullity," and that the Legislature of Ohio had passed two statutes at its last session in which the validity and legality of arrests in said State under military authority are distinctly sanctioned.

It will hardly be contended that the Supreme Court has jurisdiction by any proceeding to review the refusal of the circuit court to grant the application for the writ. This point is settled in the case of Kaine, who had been arrested and committed upon a warrant from a U. S. commissioner under the treaty of 1842. Application was made in his behalf to the circuit court for the southern district of New York, the district judge presiding, for a writ of habeas corpus. The court refused the writ, and therefore application was made to the Supreme Court for writs of habeas corpus and certiorari. The court, per Justice Catron, refused to take jurisdiction (*In re* Kaine, 14 Howard, 116), and in the same case Justice Curtis, assenting to the decision of the court, said:

> Not only has the law made no provision for the revision of the acts of the commissioner by this court, but he does not exercise any part of the judicial power of the United States.

And further, says Justice Curtis:

By the fourteenth section of the judiciary act of 1789 (1 Stats., p. 80), the Supreme Court has power to issue writs of habeas corpus for the purpose of inquiry into the cause of commitment.

The circuit court was not the cause of commitment, and therefore, says Justice Curtis, if the Supreme Court issued the writ prayed for—

We should not have jurisdiction to inquire into the cause of the commitment shown by the petitioner, and consequently the writ must be refused. (*Ibid.*, 128.)

It is clear upon the ruling in this case that the refusal of the circuit court to grant the application for the writ cannot be reviewed by the Supreme Court upon habeas corpus or certiorari.

Has the Supreme Court jurisdiction to review the proceedings of the military commission in this case by writ of error or habeas corpus? The jurisdiction of the Supreme Court is defined by the third article, second section, and eleventh amendment of the Constitution. By the express terms of the second section the original jurisdiction of this court is limited to cases affecting ambassadors, other public ministers and consuls, and cases in which a State may be a party. This case not falling within either of the cases specified in the Constitution, the court has not and cannot have original jurisdiction in the premises. The appellate jurisdiction of this court is limited by the Constitution "to all other cases thereinbefore mentioned, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." The appellate powers of the Supreme Court, as granted by the Constitution, are limited and regulated by the acts of Congress, and must be exercised subject to and within the exceptions and regulations made by Congress. (Dusenfreau *vs.* United States, 6 Cr., 314; Barrey *vs.* Merrien, 5 Howard, 119; United States *vs.* Curry, 6 Howard, 113; Forsyth *vs.* United States, 9 Howard, 571.) The case is believed not to be within the letter or the spirit of the grants of appellate jurisdiction to the Supreme Court. It is not believed to be a case in law or equity within the meaning of those terms as used in the third article of the Constitution, nor that the military commission is a court within the meaning of the term as used in the fourteenth section of the judiciary act of 1789. The Supreme Court has only appellate jurisdiction to revise the judgment or proceedings of those tribunals over which and in respect to which the laws of Congress have given it control. (*Ex parte* Bollman, 4 Cr., p. 100.) In the case of Kaine above cited from 14 Howard, p. 119, Curtis, justice, said:

It is clear that this court has no control by appeal, writ of error, or other proceeding over a commissioner acting under authority of an act of Congress, or under color of such authority, and no power in any way to revise his proceedings, for the reason that the law made no provision for the revision of his acts, and for the further reason that he does not exercise any part of the judicial power of the United States.

And in the case of *Ex parte* Metzger (5 Howard, 176), it was determined that a writ of habeas corpus could not issue to examine commitment ordered by district judge at chambers under the treaty with France for the reason that the district judge in the case exercised a special authority, and the law had made no provision for the revision of his judgment. In the case of the United States *vs.* Ferreira (13 Howard, p. 48), Taney, Chief Justice, says:

The power conferred by Congress on the district judge and the Secretary of the Treasury under the treaty with Spain, though judicial in its nature, is not judicial in the sense of judicial power granted to the courts of the United States.

In the case of Kaine (14 Howard, 128), Curtis, justice, says:

The circuit court has power to inflict imprisonment and death without appellate control of the Supreme Court. Even though it be alleged that the proceedings of a

circuit court by which a citizen is imprisoned are *coram non judice* and void, its judgment is final, and no relief can be had in the Supreme Court by writ of error or appeal or by habeas corpus.

To the same effect see *Ex parte* Watkins (3 Pet., 193). Curtis, justice, recites the act of August 29, 1842, which provides that in case of a subject of a foreign Government imprisoned for an act done under the authority of that Government, if a writ of habeas corpus be issued therein by a justice of the Supreme Court or by a district court, an appeal to the circuit court and from its order to the Supreme Court is expressly given, and says it is for Congress to determine whether this class of cases shall be so privileged. (14 Howard, 128, Kaine's case.) In the case of Pratt *vs.* Fitzhugh *et al.* (1 Black, S. C. R., p. 272), the defendants in error, on an execution issued out of the district court of the United States for the northern district of New York, had been arrested and imprisoned, the execution commanding the marshal, in default of goods, &c., to satisfy the claim, to arrest and keep the defendants until the same be paid. Upon habeas corpus from the circuit court of the United States the defendants were discharged from imprisonment. Upon this proceeding on habeas corpus, Pratt, the plaintiff below, sued out a writ of error from the Supreme Court, and on motion to dismiss the case for want of jurisdiction, the Supreme Court, per Nelson, justice, decided that the case is brought up under the twenty-second section of the judiciary act, which confines the writ of error to cases where the matter in dispute exceeds the sum or value of $2,000. "This," says the court, "has always been held to mean a property value, and without the fact of value being shown the court has no jurisdiction." Case dismissed for want of jurisdiction. It is not clear, upon the foregoing cases, that the appellate power of the Supreme Court of the United States extends only to such cases as are within the general judiciary act and the special acts expressly giving appellate jurisdiction, and that said court has no appellate jurisdiction to revise the proceedings of tribunals acting under or by color of the authority of the United States, but which do not exercise any part of the judiciary power of the United States except when the same is expressly given by special act of Congress. (See act of August 29, 1842, above cited, also act of Thirty-seventh Congress, chapter 81, and of Thirty-sixth Congress, chapter 27, and act of 1861, chapter 61, p. 319.)

Courts-martial and military commissions act under or by color of the authority of the United States, but do they exercise any part of the judicial power of the United States? That is well settled by the Supreme Court in the case of Dynes *vs.* Hoover (20 Howard, p. 65), in which the court say, among the powers conferred by Congress by the eighth section of the first article of the Constitution are the following: To provide and maintain a navy, to make rules for the government of the land and naval forces; and by the second section of the second article of the Constitution it is declared that the President shall be Commander-in-Chief of the Army and Navy of the United States, &c. These provisions, say the court, show that Congress has the power to provide for the trial and punishment of military and naval offenses in the manner then and now practiced by civilized nations, and that the power to do this is given without any connection between it and the third article of the Constitution defining the judicial power of the United States; indeed, that the two powers are entirely independent of each other. This opinion of the court clearly declares and settles the point that the trial and punishment of military offenses is a power under the Constitution which has no connection with the judicial power

of the United States, but is entirely independent of it. If this be so, the military commission which tried Vallandigham is not a court within the meaning of that term as used in the fourteenth section of the judiciary act, nor did it exercise any part of the judicial power of the United States, though its proceedings were of a judicial character. Upon the authorities above cited, in the cases of Bollman, Metzger, Ferreira, Kaine, &c., there can in such case be no appellate jurisdiction in the Supreme Court of the United States, unless expressly given by Congress. That there is no express act of Congress giving the Supreme Court of the United States appellate jurisdiction to revise, by writ of error, habeas corpus, or in any way, the proceedings of courts-martial or military commissions will doubtless be conceded. If wrong has been done the applicant by the commanding officer who ordered his arrest, or by the military court who tried and sentenced him, his remedy is by action against them, not by review in this court of their proceedings. It is not deemed necessary to discuss the question of the power of Congress to confer the appellate jurisdiction claimed, in the absence of any statute for that purpose. That this military power for the common defense in time of war inheres in the military commander, to the exclusion of the civil authority, appears by the elaborate opinion of the late Attorney-General Cushing. (Opinions, vol. 8, p. 365. See also Benet, 14, and Halleck, 380.)

In the case of Luther *vs.* Borden (7 Howard, 45), the court, per Chief Justice Taney, say:

> Unquestionably a State may use its military power to put down an armed insurrection too strong to be controlled by civil authority. * * * Without authority to do this martial law and the military array of the Government would be mere parade, and rather encourage attack than repel it.

Upon this view of the subject, the Supreme Court might with as much propriety be called upon to restrain by injunction the proceedings of Congress as to revise by certiorari and reverse the proceedings of the military authorities in time of war in the punishment of all military offenses according to the usages of civilized nations and the powers given by the Constitution and laws of the United States for the common defense and public safety.

Respectfully submitted.*

J. HOLT,
Judge-Advocate-General.

NOTE.—Though Marshall, Chief Justice, in the case of Watkins *ex parte* (3 Peters, 198), above cited, says: "No law of the United States prescribes the cases in which the writ of habeas corpus shall be issued," it is submitted that he does not decide that the law does not prescribe the Federal tribunals which may issue it, and the courts whose proceedings may be revised by it, upon habeas corpus, certiorari, &c., in the Supreme Court. Certiorari will not lie to remove a proceeding pending in an inferior court on the ground of a want of jurisdiction. (Fowler *vs.* Lindsey, Fowler *vs.* Miller, 3 D., 411; I, 291.)

Quære. Will it lie in a case where the tribunal has been dissolved and has ceased to exist, and the sentence, as appears by the record, has been revoked by being commuted by the President in the exercise of his constitutional authority? Is not the Supreme Court asked virtually to review and reverse an order made by the President as Commander-in-Chief of the Army, by which he directed a public enemy to be sent beyond the lines of the Army of the United States?

* See *ex parte* Vallandigham, 1 Wallace, p. 243.

WASHINGTON, *December 1, 1863.*

General S. A. MEREDITH:

Have you any reason to suppose that Mr. Ould has made a distinction between the supplies sent forward for our prisoners, refusing to send some and sending others? Has he indicated a distinction as between Government supplies, State supplies, and supplies sent by individuals? Do you now believe that the supplies reach the prisoners either in whole or in part, and to what extent? If necessary you will make the inquiries of Mr. Ould by a special trip of the flag-of-truce boat, putting your inquiry in the simple form of a question.

E. A. HITCHCOCK.

FORTRESS MONROE, VA., *December 1, 1863.*

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

The flag-of-truce boat has this moment arrived. The only reason I had to doubt the distribution of Government supplies was the report of the surgeons as to not receiving meat for four days and the reports of Doctors Myers and Meeker. These doubts are now in a great measure removed, as I learn unofficially that several officers in charge of our prisoners at Richmond have been cashiered. I shall forward to-morrow morning a large lot of supplies and hope to have a report from Richmond on the return of the boat, which I will forward to you.

S. A. MEREDITH,
Brigadier-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., December 1, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to inform you that Andrew Johnson, jr., has been released in exchange for Lieutenant-Colonel Chandler, and I have this day ordered him to report in person to you.

I am, colonel, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 1, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: By direction of the Secretary of War you will prohibit all trade with the sutler by prisoners of war at Fort Delaware. See that this order is strictly carried out.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same, *mutatis mutandis*, to Brig. Gen. G. Marston, commanding depot prisoners of war, Point Lookout, Md.; Col. William Wallace, commanding Camp Chase, Columbus, Ohio; Col. G. W. Kincaid, commanding military prison, Alton, Ill.; Col. C. V. De Land, commanding Camp Douglas, Chicago, Ill.; Colonel Stevens, Camp Morton, Ind.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 1, 1863.

Col. C. THOMAS,
Acting Quartermaster-General, U. S. Army, Washington, D. C.:

COLONEL: Five thousand prisoners of war have been ordered to the depot at Rock Island, and to anticipate their arrival I have to request that the following articles of clothing be sent there: 1,000 coats, 1,000 pants, 1,000 shirts, 1,000 stockings, 1,000 shoes, 5,000 blankets.

I am, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

COLUMBUS, OHIO, *December 1, 1863.* (Received 4 p. m.)

Hon. EDWIN M. STANTON, *Secretary of War:*

I credit the rumor that Morgan is in Canada. Allow me to advise that a good detective police officer be sent to watch his movements and never be out of his sight. Vallandigham should also thus be looked after. I forwarded to Assistant Secretary Watson all the information in my possession as to Morgan's escape.

D. TOD,
Governor.

WAR DEPARTMENT,
Washington City, December 1, 1863—4.15 p. m.

Governor TOD, *Columbus:*

I doubt the report as to Morgan being in Canada, but suspect it is a ruse to mislead and allay vigilance. Officers will be sent as suggested.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *December 1, 1863.*

Governor TOD, *Columbus:*

If Morgan has really got to Canada he will be a dangerous leader for the rebels there, and the utmost vigilance should be exercised. What State force have you on the border?

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *December 1, 1863.*

Major-General DIX, *New York:*

If John Morgan has reached Canada, as reported, he will make a dangerous leader for the rebel conspirators there. If you are in communication with any of the British authorities it would be well to warn them at once, and too much vigilance cannot be exercised on our border.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, *Washington City, December 1, 1863.*

Major-General BUTLER, *Fortress Monroe:*

The President having been informed that Governor Pratt has been sent to Fortress Monroe to be put beyond the lines, he directs that he be not sent, but remain in your charge until further order.

EDWIN M. STANTON,
Secretary of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 2, 1863.

Maj. CHARLES O. JOLINE, *Aide-de-Camp, New York:*

MAJOR: In reply to your note of the 28th ultimo, inquiring how a prisoner formerly in the rebel service may reinstate himself as a loyal citizen, I have to inform you, for the information of Major-General Dix, that all such cases are treated as prisoners of war, and a discharge on taking the oath of allegiance can be granted only by the Secretary of War, but such discharges are now granted only on very rare occasions. Instructions have been given to commanders in charge of prisoners to report to this office the names of all who desire to take the oath of allegiance, giving a brief statement of the particulars in each case. All so reported will not be sent forward for exchange, but at a future day, when the Secretary of War thinks it advisable, such applications will be finally acted on, and all whose cases are favorably presented will be discharged.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPARTMENT, *Washington City, December 2, 1863.*

Hon. BENJAMIN S. COWEN,
ROSWELL MARSH, Esq., and
Hon. SAMUEL W. BOSTWICK:

GENTLEMEN: You have been appointed a special commission to examine into and report upon the cases of political and State prisoners held under authority of the United States at the State prison at Alton, Saint Louis, Camp Douglas, or elsewhere within the Department of the Missouri. For your services in the performance of this duty you will be allowed the usual compensation of $8 per diem while actually employed and your necessary traveling expenses. You are also authorized to employ a clerk at a rate of not exceeding $3 per diem. In the performance of your duties you will observe the following instructions:

First. As soon as convenient you will proceed to the city of Saint Louis and report yourselves to the commander of the department, Major-General Schofield, who will give such orders to his subordinates as may be necessary to enable you to perform your duties. If there be any political or State prisoners in the city of Saint Louis you will cause them to be brought before you for personal examination and to hear their statements, having previously obtained from the officers by whom they have been arrested, or any other officers, a copy of the charges or causes for which the arrests and detentions have been made. Where necessary you will apply to General Schofield for aid to procure the attendance of officers or other persons making arrests and necessary information touching that subject. You may hear the testimony of any persons acquainted with the facts in regard to the conduct of any prisoners, and take such means as you may deem right and proper to understand the merits of the case. This examination will be private and informal, and with a view simply to informing yourselves of the propriety of the prisoner being retained in custody or discharged.

Second. If you shall find a case to be one where there is no further occasion for imprisonment you will make report thereof to Major-Gen-

eral Schofield, who will order his discharge. If on the other hand you should find that the prisoner is one who ought not to be permitted to go at large during the existence of the present war, or that he should be discharged upon terms of taking the oath of allegiance or giving bond, or on any other reasonable terms which your judgment may provide, you will report that fact to General Schofield, and you may yourselves take paroles, administer the oath of allegiance, and take bonds of good behavior toward the United States during the war.

Third. You will keep a brief record or docket of your proceedings, specifying the name, residence, occupation, age, and sex of the party examined; the cause for which he was arrested; where and by whom the arrest was made, and where he has been imprisoned, and also noting your action in his case.

Fourth. If in any case you shall require special instructions from this Department you will apply for them.

Fifth. Having completed your examination at Saint Louis, you will proceed to Alton and hear and determine the cases of such prisoners.

Sixth. After having completed your duties at Alton you will proceed to Camp Douglas, at Chicago, Ill., or to any other camp, military prison, or post in the Department of the Missouri, where you may ascertain that state or political prisoners are confined under the authority of the United States, and to proceed to hear and determine their cases according to instructions herein given.

Seventh. You are authorized to call upon quartermasters for necessary transportation where the ordinary channels of travel will not answer the purpose. General Schofield will also provide you with stationery.

Eighth. General Schofield will provide you, or you may procure for yourselves, a suitable room or place for transacting your business. On application to the commandant at Alton he will, upon showing these instructions to him, provide you with the necessary quarters there, and the same will be done by the commandant at Camp Douglas, or at any other military post or prison where your duties may call you.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 2, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: The Secretary of War has directed that hereafter prisoners of war will be permitted to receive such articles of clothing as they are allowed to have only by issues from the quartermaster's department as provided for by the circular of regulations, or from members of their immediate family. Friends and sympathizers are not to be permitted to send in clothing for distribution, and under no circumstances will prisoners be allowed more than the prescribed amount. Generally greatcoats are prohibited, but they will be allowed in such cases as in your judgment they are demanded by considerations of humanity. They will not be permitted to receive provisions from any person. Their rations, with such vegetables as you purchase, are ample, and nothing more can be allowed. The fund will enable

you to purchase all such articles for the sick as may be recommended by the surgeon.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *December 2, 1863.*

Maj. Gen. E. A. HITCHCOCK,

Commissioner for Exchange of Prisoners:

SIR: Having executed your instructions of 29th of October last, I respectfully beg leave to report that on or about the 31st of October I reported in person to Brig. Gen. S. A. Meredith, at Fort Monroe, and at that time anticipated an early meeting with Hon. Robert Ould, the Confederate agent of exchange. The state of the correspondence and negotiations between Mr. Ould and General Meredith, however, rendered it inexpedient that any personal consultation with Mr. Ould should then take place. Under the direction of General Meredith I immediately employed myself in getting forward supplies of food and clothing for our prisoners in Richmond, as ordered by the War Department. My first and only interview with Mr. Ould was on the 23d ultimo. It was informal, and indeed unofficial, so far as matters relating to exchange were concerned, but referred mainly to the action of our Government in sending forward supplies to the Richmond prisoners—officers, soldiers, and citizens.

Allusion was incidentally made to the question of exchange and the correspondence and statements that had then recently been published in the Richmond papers on that subject. I took occasion to assure Mr. Ould that he had misconceived the intention of the United States Government in attributing to it a settled policy against any exchange of prisoners. To which he replied, in substance, that possibly he had; that his last dispatches received from General Meredith contained a communication from Major-General Hitchcock to General Meredith on the subject of the paroles in dispute which seemed to evince a spirit of fairness that led him to hope that some settlement favorable to exchange could be made. On the 25th ultimo I accompanied General Meredith to City Point for the purpose of having an interview with Mr. Ould. We reached City Point just at evening and as the rebel flag-of-truce boat arrived there with our surgeons and with Mr. Ould on board. In the course of the evening General Meredith held an interview with him on board the rebel boat, at which I was not present. In that interview General Meredith assures me he made a direct inquiry of Mr. Ould if he would exchange, officer for officer, man for man, and rank for rank, or equivalents, to which he replied that he would only do so provided the United States Government would release on parole all Confederate prisoners of war now held as such. At the time I was detailed for duty in your bureau I entertained the conviction that the Confederate authorities would exchange prisoners to the number held by them without reference to existing complications, deferring all disputed questions for future settlements. Such conviction was based on assurances repeatedly given to our officers prisoners in Richmond by officials connected with the Confederate rule there, and given to me by at least two officers of the Confederate exchange bureau at the time of my release. I also entertained the belief that the Government at

Richmond would not raise the question of any distinction between officers commanding white and colored troops; this belief was founded on like repeated assurances from the same source.

I have, however, become thoroughly convinced that I placed too much confidence in assurances which probably at most were but mere expressions of individual opinion. The position our Government has taken with reference to exchange, it seems to me, has become a necessity in view of the repeated breaches of faith by the rebel Government and the position it has taken respecting the treatment of prisoners of war. I am well satisfied, too, that any arrangement for an exchange would fail to secure the release from Southern prisons of all officers and men obnoxious to the joint resolution of the Confederate Congress and the proclamation of President Davis, or to the bitter animosities of their rebel neighbors in the Border States. Pretenses of negro stealing, treason toward a sovereign State, of arson, robbery, &c., furnish the pretext for the exercise of a punic faith and barbarous treatment unprecedented in the annals of honorable warfare. As is witnessed by the retention of a chaplain, after an agreement to release all chaplains; by the retention of surgeons after a like agreement; the treatment of General Milroy's command, captured at Winchester, in denying to his officers the very limited favors allowed to other officers in the Libby Prison; the close confinement in a cell of Colonel Powell and other officers on bread and water; retaining officers on charges after a second capture, where they had been duly exchanged after the charges were made; compelling Union officers from Border States to wear heavy irons for months without giving them a trial, and, indeed, where only the vague and indefinite charge of treason against a State was pretended as a justification. The cruel butchery of officers commanding negro troops, if not done by the direct order of the rebel Government, certainly is with its acquiescence and approval.

In view of all the circumstances I am constrained to believe that the Government is right in the course it is pursuing in the matter of exchange. Individual suffering is a strong claim, but an unyielding adherence to a line of conduct that will compel an observance of the rules of honorable warfare is an absolute necessity.

The hope of the Richmond Government has been that the misery inflicted on our prisoners in the South would compel our Government to yield vital points of controversy, and thereby it would be enabled still in the future to impose its unreasonable and barbarous conditions.

The sooner this hope is dispelled the nearer our prisoners will be to measures of relief. Meanwhile our Government will, no doubt, continue the humane and necessary course in providing food and clothing for our prisoners in Richmond and elsewhere, and the logic of events will in the end solve the difficulty.

I have the honor to be, very respectfully, your obedient servant,

WM. IRVINE,

Lieutenant-Colonel Tenth New York Cavalry.

WASHINGTON CITY, D. C., *December 2, 1863.*

General Q. A. GILLMORE, *Commanding, &c.:*

SIR: I will thank you to require a report from the officers in command of colored regiments serving under your command showing the number of officers and men who have been killed or wounded since they reported for duty, and particularly a report of the missing, and that

the officers who make the report be required to give their opinion and the grounds of it as to the probable disposal which may have been made of the missing by the rebels. I request also that in case of the killed and wounded the officers who may be called upon for reports will state whether they were either killed or wounded in fair fight under the usages of war, or were subjected to any barbarous treatment whatever.

In order that there may be no mistake on this subject, I beg to inform you that the object of this inquiry is to ascertain whether any occasion has occurred requiring special action under the proclamation of his Excellency the President, the design of which was to secure to colored troops in the service of the Government such treatment as all soldiers are entitled to according to the laws of war.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

WASHINGTON CITY, D. C., *December 2, 1863.*

COMMANDING OFFICER PORT HUDSON, LA.:

SIR: A few days since there was published in a New York paper what purported to be a letter from an officer at Port Hudson giving publicity to a report to the effect that a white officer of colored troops and twenty men (colored) who had been taken prisoners by the enemy were hanged within twenty-four hours after their capture.

I will thank you for any information you may be in possession of, official or otherwise, on this subject, not only with regard to this particular report, but any other of a similar character.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

WAR DEPARTMENT,
Washington City, December 2, 1863—10.20 a. m.

Brigadier-General MEREDITH, *Fort Monroe, Va.:*

Yesterday I directed General Hitchcock to ascertain from you, first, whether supplies furnished by this Government for our prisoners at Richmond were received and forwarded by the rebel agent, and, second, whether supplies furnished by State agents would be received by the rebel agent and forwarded. No answer has been received to these inquiries. You will please immediately make a direct answer to both questions.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *December 2, 1863.*
(Received 2.15 p. m.)

Hon. E. M. STANTON:

Government supplies for our prisoners are received and forwarded by the rebel agent. Supplies furnished by State agency are also received and forwarded. Also individual supplies. I send two boats laden with provisions to City Point to-day.

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS OF THE ARMY,
Washington, D. C., December 2, 1863.

Brig. Gen. M. C. MEIGS, *Chattanooga:*

It is not deemed expedient to employ prisoners of war on public works or as laborers.

H. W. HALLECK,
General-in-Chief.

(Copy to Commissary-General of Prisoners.)

COLUMBUS, OHIO, *December 2, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

By dispatch just received from the mayor of Toronto I am advised that Morgan is not in that city. The volunteer State force within fifty miles of the lake shore will vary but little from 10,000. They will make a most reliable body of troops. I have not the means to complete their armament or furnish them ammunition, and ask authority to make requisitions on your ordnance officer here for both.

DAVID TOD,
Governor.

WAR DEPARTMENT,
Washington City, December 2, 1863—8 p. m.

Governor TOD, *Columbus:*

It is in my judgment by no means improbable that Morgan is still in Columbus, secreted with some copperhead. You may increase the reward for his capture to $5,000, and stimulate every diligence for his apprehension. The arming and equipping your lake-shore guard will be provided for without delay.

EDWIN M. STANTON.

ENTERPRISE, *December 2, 1863.*

General S. COOPER, *Adjutant and Inspector General:*

I have written you on the subject of the construction of the language of the parole given by our prisoners. It is desirable the Government should decide how far they are subject to military duty and of what kind. This is necessary to discipline and should be done at once. Can they be armed and drilled and made to police their own encampment? [Can] officers serve on court-martial for paroled prisoners?

L. POLK,
Lieutenant-General.

[Indorsement.]

DECEMBER 4, 1863.

According to agreement between the two Governments paroled prisoners cannot be employed on any military duty while on parole.

S. C.

WASHINGTON, D. C., *December 3, 1863.*

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I have the honor to submit the following report of my inspection of the condition of Camp Douglas and other prison camps, made pursuant to your instructions of the 13th ultimo.

I left this city on the evening of the 13th and proceeded at once to Camp Douglas, it being the chief object of the service upon which I was ordered, to inquire into the cause and extent of the fire which had occurred at that camp, by which the barracks for six companies and considerable extent of fencing had been destroyed. I arrived at Chicago on Sunday morning and immediately after breakfast repaired to Camp Douglas, which is on the outer limits of the city.

On inspection of the ground I was gratified to find that the destruction of the fence was much less than had been reported, being only about 400 feet instead of 1,000, as at first estimated. The destruction of the barracks was more serious, involving, as had been reported, the quarters for six companies, with mess and cook rooms, a commissary store, and other outbuildings. In addition to the buildings destroyed there was also consumed a considerable quantity of public property, arms and accouterments and quartermaster stores and private property, consisting of clothing and other articles belonging to officers and soldiers.

The fire occurred about mid-day and originated in a room occupied by officers during the absence of the inmates at dinner. It appears that there was a large fire in the stove and either through the over-heating of the pipe or some defects in it near the roof the ceiling took fire, and when it was discovered it had made such progress it was impossible to check it. A high wind was blowing at the time, and when the door of the room in which it began was opened the flames were given such power that it was not possible to check it.

Prompt means were immediately taken by the commanding officer, Col. C. V. De Land, Michigan sharpshooters, to check the fire and at the same time to restrain the prisoners of war from any attempt to take advantage of the opportunity it gave them to make their escape. To confine the fire to as small a limit as possible a portion of the line of barracks was torn down, and as the wind was across the line this plan accomplished the object and checked the fire in that direction, but the wind carried the flames directly over the cook-houses and other buildings and fencing in the rear and they were all consumed in a few moments. The engines of the city were promptly on the ground, but the fire had done its work before they could get there.

The fire was accidental, but there was probably some carelessness with it. A large fire was probably left in the stove without any precaution to guard against its being communicated to the buildings, and by the over-heating of the pipe, or in some other way, the ceiling and tarred roofing were set on fire and in a few minutes it was beyond control.

There was some excitement among the prisoners at the time, and some cheering, but as a part of the command was placed under arms as soon as the alarm was given the demonstrations of the prisoners were soon put a stop to.

As soon as the fire was extinguished the acting quartermaster at the camp, Captain Goodwin, with commendable energy, took immediate steps to have the fence which had been destroyed rebuilt, and before night of the same day it was accomplished.

I inclose herewith a report, made to me by Colonel De Land, of the public and private property destroyed.* There have been similar occasions when officers and men have lost clothing and other personal property that it has been made good to them by the Government, and I respectfully suggest that at the least the clothing lost by the enlisted men be replaced by an extra issue.

* Omitted.

By direction of the General-in-Chief, I ordered Captain Potter, assistant quartermaster at Chicago, to rebuild the barracks which had been destroyed with as little delay as possible; until this is done the troops who form the guards must be very much crowded, as all have to be accommodated in the barracks, which are sufficient for only a part.

The guard at Camp Douglas consists of the Michigan sharpshooters, under Col. C. V. De Land, and six companies of the Invalid Corps, under Colonel Sweet, giving an aggregate of 1,196, but of these only 859 enlisted men are for duty, and as the invalids cannot count on more than two thirds of their strength for guard duty in all weather the actual force for service is small. Just previous to my visit the sharpshooters had been ordered to join General Grant's army, but on my representations of the necessity of their presence at the camp till relieved by an equivalent force the order has been suspended by the General in Chief.

Colonel Sweet thinks that with one regiment of the First Battalion of the invalids and two companies of the Second Battalion he will be able to take charge of the prisoners of war at Camp Douglas, but considering the unavoidable inefficiency of that organization I doubt if less than fifteen companies will be competent for the service. The guard and the prisoners are within the same inclosure, which makes a larger proportion of guard necessary.

There are between 6,000 and 7,000 prisoners at Camp Douglas, and in consequence of the burning of a part of the barracks by paroled troops last winter they are very much crowded, having now to occupy buildings which were formerly used as cook-houses and which are very indifferently fitted up with sleeping arrangements. To relieve them somewhat from unwholesome crowding I propose to order about a thousand to the depot at Rock Island, unless there is a prospect that large numbers of prisoners will be sent there from General Grant's army.

The sick in hospital are very comfortable, but they are too crowded, and there are many in the quarters who should be in the hospital. Two additional buildings, with enlarged accommodations for dispensary, store-rooms, laundry, &c., are being erected, which will greatly improve the condition of the sick.

An abundant supply of water has just been introduced into the camp, and an extensive system of sewerage has been constructed, which will be of great benefit to the camp by the greater facilities it will afford for preserving a good state of police and by carrying off the surface water, freeing the camp from the mud which has heretofore been a source of much annoyance.

One square formerly occupied by prisoners of war is now vacant, the buildings having been destroyed by fire last winter. Barracks for 2,000 prisoners could be erected on this ground for $10,000 to $12,000, and since it is inclosed and the rent of the ground has to be paid it would seem to be economy in the end to rebuild the barracks. A large part of the expense could be paid from the prison fund.

I found at Camp Douglas five officers who had passed themselves off as enlisted men until this deception had been detected. Two of them were among some who had made their escape and were sent back from Louisville, where they were recaptured. One of them had been the ringleader in all the disturbances in the camp, and for their greater security, and on account of the offense which they had committed in misrepresenting their rank, I ordered them to be sent to Fort Warren to be held in close confinement.

On Monday evening I left Chicago for Rock Island, which I reached the next morning. The inclosure and the barracks for prisoners are

completed and are ready for occupation, though there is yet some unfinished work. In consequence of the extent of the inclosure and the less efficient character of the Invalid Corps than other troops the accommodations for the guard will have to be more extensive than was anticipated, and some little time will elapse before the additions which are in progress will be completed. This, however, will not delay the reception of prisoners. I found but four companies present, two of which had just arrived, and as no medical officer had been appointed I applied to assistant surgeon-general in Louisville for one to be ordered there, with a supply of medicines and stores. My request was immediately complied with, and I have since asked that other medical officers may be ordered there. Since my return to this city the guard has been increased to a regiment and the depot is placed under the command of Col. R. H. Rush, of the Invalid Corps, who, I feel confident, will soon have it so organized and administered as to give the most satisfactory results.

With the exception of a small part of it Rock Island belongs to the United States, and it is very desirable that it should be placed under martial law, in order that the commanding officer may have it in his power to prevent the intrusion of persons who will take advantage of every opportunity to enter into an illicit traffic with the guard or the prisoners. The Chicago and Rock Island Railroad crosses the island and should not be allowed, without the permission of the commanding officer, to land passengers on the island.

On Tuesday evening I left Rock Island for Sandusky, where I arrived on Thursday morning and proceeded at once to the depot on Johnson's Island, where I met General Cox, who had a considerable force with him, drawn there by the threatened attempt from Canada to rescue the prisoners. I met there also Captain Carter, of the Navy, the commander of the U. S. steamer Michigan, which was lying off the island.

As the Michigan had been lying in Sandusky Bay at the request of the War Department some ten days when the report of the threatened invasion was made there was no possible chance of its being attended with any success, even if the rebels could have been sufficiently secret in their preparations to have left a Canada port without detection, but that, as the results show, was not possible.

Some threats, it is reported, have been made by the prisoners on the island to take advantage of some opportune moment to overcome the guard and make their escape to Canada, but their situation must be much more desperate than it is now before they will attempt, with naked hands, to attack a vigilant guard armed with muskets and revolvers, when success, which is only within the reach of possibility after great sacrifices, would only place them on an island from which they could not escape.

General Cox will withdraw all his troops except five companies of cavalry recruits, who will remain on the island until relieved by some of the companies ordered to be added to the battalion to make it up to a regiment. I doubt if quarters for more than two companies can be built this season, and with this increase of the strength of the guard I think the prisoners will be perfectly secure for the winter.

In consequence of the dangers which it has been represented would attend her wintering in Sandusky Bay the Michigan has been ordered to return to Erie before the navigation of the lake closes.

While General Orme, who accompanied me to the island, was inspecting the prisoners in pursuance of your instructions I examined the ground with a view to decide on the best location for the barracks about

to be erected, and having attended to this I gave all necessary instructions in relation to the restrictions which should be put upon the prisoners in the receipt of clothing and other particulars. The sutler's store had been closed pursuant to your orders and remained closed.

The affairs of this depot under Lieutenant-Colonel Pierson have been very creditably managed; but one prisoner is known to have escaped, and it is believed he was enabled to do so by taking the place of an enlisted man who was of a party ordered from the island. There are now at the island 2,350 officers, 33 citizens, and 10 enlisted convicts.

After completing my duties at the depot, I left Sandusky that evening, in company with General Orme, for Columbus, Ohio, where we arrived the following morning. After breakfast we proceeded together to Camp Chase, where I inquired into the management of the affairs of the camp, the condition of the prisons, &c., and gave such instructions as seemed to be necessary.

The camp is commanded by Col. William Wallace, Fifteenth Ohio, and the guard is composed of eleven companies of the Invalid Corps, giving an aggregate [of] 771 men, and for duty 562 enlisted men. There are three different prisons, all requiring guards, which make the guard duty more arduous than it would be for the same command if all the prisoners were within the same inclosure, but the duty can probably be performed by a small increase of the present guard without too much oppressing the men.

There are now in this prison upward of 2,500 men, when 1,800 is calculated as its full capacity. To relieve it from this excess, and the Alton military prison from a like excess, I have applied for a guard to be sent to Camp Butler, near Springfield, Ill., where General Ammen, who commands the district, informs me 3,000 prisoners can be accommodated.

I did not visit the prisoners in the Ohio penitentiary, because I had recently received a very detailed report from General Mason showing that they were well and securely quartered and provided for, and the duties in my office requiring my return at the earliest day possible I was unwilling to make a delay which would cause my return to this city delayed beyond Sunday. I was anxious to have seen His Excellency Governor Tod, to have consulted with him in relation to the organization of the six companies which are to be added to the battalion at Johnson's Island, making it up to a regiment, but the Governor was absent from the city and I was unable to accomplish this part of the object of my visit to Columbus.

On that evening I left for Pittsburg, where, on the following day, I had an interview with Major-General Brooks relative to the prisoners of war in the Allegheny Penitentiary. They are held there at an expense of 48 cents a day per man, and they are much better provided for and more comfortable, from the nature of the prison, than they deserve to be. I am informed that the political sentiments of the officials who have the management of the affairs of the prison, with one exception, incline them to have sympathy for the prisoners, and I would recommend that they be sent elsewhere for safe-keeping and to lessen the expense, but I can find no suitable place to which they can be ordered; none of our forts have sufficient room which can be made available for this purpose.

I returned to this city on Sunday, the 22d.

I have the honor to be, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 3, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: On the 6th of this month I shall declare exchanged the officers and men named in the accompanying lists. They were all captured and paroled at Vicksburg on July 4, 1863. I have valid paroles in my possession sufficient to counterbalance this and the other exchanges I have declared. When I make use of that phrase I wish to be understood as meaning valid paroles according to your own general orders. If in the computation of them it should prove otherwise I am ready to make up the deficiency by actual deliveries of prisoners now in our hands, provided in the same contingency hereafter you will agree to do the same.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 3, 1863.

Brigadier-General MEREDITH, *Agent of Exchange:*

SIR: I have been informed that the Confederate prisoners at Point Lookout are confined in company with negroes and that the smallpox is raging fatally among them. Will you please make inquiries and ascertain if this be so?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS COMMANDER OF THE POST,
Camp Douglas, Chicago, Ill., December 3, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: It is my disagreeable duty to report to you the circumstances of a serious break of the Morgan prisoners in this camp. The prisoners in Barrack No. 3, of the southeast or "White Oak" square, succeeded in making a tunnel from the barracks to the outside of the fence. They dug a small, round hole just under the frozen crust of the ground, the dirt being secreted under the floors of the barracks and cook-houses, leading outside the fence. During the day this hole was covered with a board, over which was kept about six inches of dirt. This same barrack was searched every week, but the device was too perfect, and the officers failed to detect it. The barracks at this point are very near the fence, the distance being forty-three feet from center of barracks and seventeen and nine-twelfths feet from cook-houses. The night was so dark and foggy the guards were unable to see a distance of over ten feet. There were patrols on both sides of fence and guards on the top. From the best information I can get the prisoners commenced making their escape about 8 p. m., and this continued at intervals until 9.30 o'clock, when the outside patrols discovered them and the alarm was given. As near as I can ascertain now not far from 100 prisoners passed out. If there had been less hurry among them many more could have escaped. As soon as the alarm was given

I sent mounted men out on roads leading south and west for twenty miles and filled the city with active patrols. The police and provost-marshal's deputies and my own detectives rendered invaluable aid. During the night a large number were caught, and others have been coming in during the night, or rather day. I have telegraphed to Detroit, Cincinnati, and Louisville and other points and taken every precaution possible and hope to be able to reduce the loss below fifty. Some of those retaken to-day had been entirely refurnished with clothing by sympathizing friends here and from Kentucky. This is the eighth attempt which has been made to escape from here by tunneling under the fences, only two of which have been successful. The large spaces under the barracks afford ample room to store away the dirt and render detection difficult. In view of this I have ordered all the floors removed from the barracks and cook-houses and the spaces filled with dirt even with the top of the joist. This will undoubtedly increase the sickness and mortality, but it will save much trouble and add security. A complete descriptive list of the prisoners escaped, so far as possible, has been sent to Louisville, Cincinnati, and Detroit, and I will send rolls of all who remain at large on Saturday, when I hope the number will be still further largely reduced.

I am, colonel, very respectfully, your obedient servant,

CHARLES V. DE LAND,
Colonel Michigan Sharpshooters, Commanding.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 24, 1863.

Respectfully referred to the Secretary of War for his information.

There appears to have been due vigilance exercised to guard against escape, but it is very singular that so many men could pass near a sentinel's post and when patrols are passing frequently, and I respectfully recommend that General Orme be ordered to have a strict investigation made.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *December 24, 1863.*

Respectfully returned to the Commissary-General of Prisoners, with approval of the recommendation that a strict investigation be made into the circumstances attending the escape of these prisoners, a report of the same to be sent to this Department.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WASHINGTON CITY, D. C., *December 3, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: As there seems to be an impression on the minds of some that our prisoners in Richmond might be relieved through the agency of some other officers than those now acting as commissioners or agents of exchange, I beg to say that, so far as I am concerned, I should be happy

to have the experiment made, if in your judgment you suppose anything can be done to accomplish so desirable an object.

I ought to suppose, perhaps, that you would order this without any suggestion from any one; but, as the effort would be experimental, I may be excused for an apprehension that you might be partially restrained from making the trial out of some delicacy toward myself, since I am not aware of your having taken exceptions to any of my proceedings as commissioner of exchange, and it is for this reason that I venture to say that I would not upon any consideration in the world be supposed to stand in the way of any arrangement which might promise relief to the sufferers in Richmond prisons.

I am perfectly willing either to withdraw altogether or to be set aside temporarily for the trial of any experiment which meets your approval.

With great respect, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, &c.

S. B. Fisher, surgeon and chairman of committee appointed at meeting of the returned surgeons, submits to the Surgeon-General C. S. Army a statement relative to the condition of the various prisons in which they were confined and to the treatment of officers and men now held as captives.*

[Indorsements.]

DECEMBER 3, 1863.

Respectfully referred to Brig. Gen. S. A. Meredith, agent of exchange, whose special attention is called to the contents.

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 29, 1863.

Respectfully returned to Maj. Gen. B. F. Butler, commissioner for exchange of prisoners.

The report called for from Colonel Porter, commanding Fort McHenry, shows that the prisoners had no sufficient cause of complaint.† The buildings in which they were quartered were such as it was convenient to assign to them. They were used by Federal soldiers as well as by prisoners of war. The medical officers at first occupied the soldiers' barracks, and had the limits of all the grounds of the fort under an implicit understanding that they would not take advantage of this liberty to make their escape, but when ten of them, by the opportunity which this indulgence afforded them, did escape, they were placed in a room 120 by 35, which was certainly not crowding them. The provisions furnished them were the same as used by our own troops and were good and well prepared. Until recently there was little restriction in friends visiting prisoners, and there was none at all in their receiving contributions from friends, but both of these indulgences were so much abused that it has been found necessary to curtail them very much.

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* Statement is not found. This brief and the indorsements are taken from Mr. Ould's "Indorsement Book."

† For Porter's report see December 19, p. 720.

They are still permitted to receive money and clothing from relatives, and visiting is allowed on special permits.

The post adjutant keeps an account of all money belonging to prisoners of war, amounting in two months to $1,500, pays their orders, and sends their money with them when they leave.

WM. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

SAINT LOUIS, MO., *December 3, 1863.*

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

There are some political prisoners at Saint Louis and elsewhere in this department. All cases which originate in my command are regularly examined by the provost-marshal and sent to the depots as prisoners of war, submitted to a commission for trial or discharge on proper conditions. I believe there are no cases here requiring the action of the commission appointed by the Secretary of War. There are, however, such cases at Alton of prisoners sent from other departments. There are also many prisoners of war who do not desire to be exchanged, some of whom perhaps ought to be released, and others held as prisoners for want of evidence to justify their release, but not exchanged. I respectfully suggest the propriety of authorizing the commission to act upon such cases also. I will give the commission all possible aid.

J. M. SCHOFIELD,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 3, 1863.

Major-General HITCHCOCK, *Commissioner for Exchange:*

GENERAL: Permit me to present to you Mr. Andrew Johnson, jr., who has just arrived from Richmond, having been released and exchanged for D. T. Chandler, who was released on parole from the Old Capitol and permitted to visit Richmond on condition of effecting the exchange.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 3, 1863.

Maj. Gen. W. T. H. BROOKS,
Commanding Department of the Monongahela, Pittsburg, Pa.:

GENERAL: By direction of the Secretary of War prisoners of war in the Allegheny penitentiary will not be permitted to make purchases of any kind themselves or through other parties.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same, *mutatis mutandis*, to Brig. Gen. John S. Mason, Columbus, Ohio, and Lieut. Col. James O. Broadhead, Saint Louis, Mo.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 3, 1863.

Col. P. A. PORTER,
Commanding Fort McHenry, Baltimore, Md.:

COLONEL: By direction of the Secretary of War you will prohibit all trading by prisoners of war with the sutler at Fort McHenry.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same, *mutatis mutandis*, to commanding officers Forts Lafayette and Warren.)

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, December 3, 1863.

Maj. Gen. W. B. FRANKLIN,
Commanding U. S. Forces in Western Louisiana:

GENERAL: In reply to your communication of the 2d instant I have to state that, while I believe I have no prisoners from your command belonging to negro organizations, the expression contained in your letter of the 29th ultimo, requiring as a condition precedent that I should agree to "the exchange without regard to the regiment or corps to which the prisoners belong," rendered it necessary that I should distinctly inform you that I was precluded by the instructions of my Government from acceding to a proposition which would embrace that class of persons, otherwise I would clearly have committed myself to a policy, or at least to its recognition, in violation of positive instructions.

My inability to provide for the prisoners in my hands in such manner as I desire, and my anxiety to alleviate their condition by restoring them to their Government if satisfactory arrangements could be agreed upon between us, induced me to address you on the subject of their exchange.

I know that you have the means, and I do not doubt your inclination, to extend to the prisoners in your hands all the comforts and attentions to which the usages of war entitle them.

I am willing at all times to exchange with you, with the exception heretofore noted, officer for officer, and enlisted man for enlisted man, at such point or points as we may agree upon.

The clothing and other necessary articles of comfort which you intend for the prisoners will be delivered to them. If you desire to send one of your officers for the purpose of distributing the clothing and money, permission will be granted to him to visit the officers, prisoners, for that purpose.

I take occasion to inform you that orders of the C. S. War Department prevent the Treasury notes of the United States from being delivered to or put in circulation by prisoners.

Gold and silver, notes of any bank chartered by the Legislature of Louisiana, and C. S. Treasury notes may be sent to these officers.

Very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding.

QUARTERMASTER'S OFFICE, C. S. MILITARY PRISONS,
Richmond, Va., December 3, 1863.

Lieut. Col. J. M. SANDERSON (Prisoner of War),
Richmond, Va.:

COLONEL: Having heard a complaint from headquarters that the provisions received from your Government were not issued to the Federal officers confined in this prison, and that your fellow-prisoners with you have suffered in consequence thereof, you will please state the facts of this case, at what time the provisions arrived, when they were received by you, and whether issued in proper quantities. Also request Colonel Boyd to state at what time he saw the provisions issued at Belle Isle.

I have the honor to be, colonel, your most obedient servant,

J. WARNER,
Captain and Assistant Quartermaster.

[Indorsement.]

There was a quantity of salt beef delivered on Belle Isle for issue to Federal prisoners on Sunday, November 22, 1863. The beef referred to was from the Baltimore American Relief Fund, and was unloaded from boat in the rear of Libby Prison, November 21.

A. VON SCHRADER,
Lieut. Col. and Asst. Insp. Gen., Fourteenth Army Corps,
J. F. BOYD,
Lieutenant-Colonel and Quartermaster,
Committee for Distribution of Clothing to Federal Prisoners.

C. S. MILITARY PRISONS, *Libby, December 3, 1863.*

Capt. J. THORNER, *Assistant Quartermaster:*

CAPTAIN: In answer to your note of this date I would state that as near as I can recollect you personally offered, on Sunday, 22d of November, to distribute to the officers in this prison twenty-seven barrels containing pork, salt beef, flour, and corn-meal, sent by the Baltimore American Relief Fund, but having no convenience for issuing it, I declined receiving it. On the following day, however, I inspected it in company with other officers, and directed Mr. Burnham, your assistant, to issue it in rations of half a pound per man, to the two officers acting as commissaries for the prisoners, and I can cheerfully state that the instructions have thus far been faithfully complied with, and that these provisions have been issued in addition to the regular rations allowed us by the authorities here.

Very respectfully, yours,

J. M. SANDERSON,
Lieut. Col. and Commissary of Subsistence, U. S. Volunteers.

LIBBY PRISON, *Richmond, Va., December 4, 1863.*

Capt. C. MCRAE SELPH,
Assistant Adjutant and Inspector General:

SIR: In answer to your communication of this date, referring to statements that have been made in regard to the distribution of clothing and rations sent to Richmond by the United States Government

for Federal prisoners of war, the committee in charge of the distribution of clothing desire to submit the following statement:

When the committee entered on their duties November 10, only a small supply of clothing had been received at Richmond. To secure an equitable distribution of this to those who were most needy, and to ascertain what future consignments would be required for their comfort, it was deemed advisable to make an inspection of the clothing of all the prisoners. A careful inspection was therefore made of all the prisoners of war on Belle Isle and in Richmond, and a record made of the condition of each article of their clothing. While this inspection was in progress issues of blankets and such clothing as had been received were made to those who were most needy. Since the arrival of the last shipment of clothing, November 22, two members of the committee have been constantly engaged in the distribution, which is now almost complete.

The committee is unable to prepare a statement of the amount of clothing issued in time for this communication. Statements in detail will be prepared, however, as soon as possible, of the amount of clothing received and issued, and to whom issued, and the amount required to fully supply the wants of the prisoners of war now here, a copy of which we respectfully request may be forwarded by flag of truce to the proper U. S. military authorities.

A shipment of clothing is now being made to Danville sufficient to supply the wants of the prisoners of war at that place.

The committee take pleasure in stating that every facility for the inspection of the prisoners and the distribution of the clothing has been afforded them by the Confederate military authorities.

The duties of the committee were limited by the order putting them on duty exclusively to the distribution of clothing. The fact that rations forwarded by the United States Government and by aid societies in the North were being issued to prisoners of war on Belle Isle and in the prisons in Richmond has, however, frequently come under the observation of members of the committee while in the discharge of the duty assigned them.

Very respectfully, your obedient servants,

A. VON SCHRADER,
Lieut. Col., Assistant Inspector-General, Fourteenth Army Corps.

H. B. HUNTER,
Lieut. Col. One hundred and twenty-third Ohio Infantry Volunteers.

J. F. BOYD,
Lieutenant-Colonel and Quartermaster.

JAMES M. SANDERSON,
Lieut. Col. and Commissary of Subsistence, First Army Corps.

COLUMBUS, OHIO, *December 4, 1863—3.45 p. m.*
(Received 6.20 p. m.)

Hon. E. M. STANTON, *Secretary of War:*

The guard at Camp Chase is entirely inadequate. The number of effective men is about 400 veteran troops; the number of prisoners about 3,000. To supply the deficiency temporarily I have ordered the balance of the Twelfth Cavalry, now at Johnson's Island, to Camp Chase. To provide permanently, I recommend that the Eighty-eighth, now at Cincinnati, which was raised especially for this duty, be ordered back to Camp Chase, and that the Invalid Corps be sent to Cincinnati

for duty. No reliable information as to Morgan's whereabouts. Rumor places him in at least a dozen different places. Shall continue to do all in my power for his arrest.

DAVID TOD,
Governor.

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., December 4, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Your letter of the 27th instant, with a copy of the report of an "inspector" from the Sanitary Commission, have been received. Of the report I have to remark that one more disingenuous and false could not well have been made.

It is surprising that the commission should employ agents so stupid or dishonest as the author of this report.

You know the number of prisoners here and the monthly savings from their rations, and of course do not require to be told that the statements respecting their rations are erroneous in every particular.

I inclose herewith a report of the commissary-sergeant, who has the entire charge of feeding the prisoners, and a more competent and reliable man for that duty can not be found in the army.

For the month of November the allowance per man was 13.3 ounces of bread, 8.1 ounces of meats, of vegetables and molasses the full ration; a pint of coffee on the days when soup is served and on other days a quart.

The statement that two men had been killed by the guard is simply untrue. No one has been killed by the guard or by any one else since the camp was established.

The following statements concerning the camp hospitals are altogether erroneous, viz: That the sick have only one blanket each; that they are unwashed and uncombed; that they have no other food than the army ration; that wounded, erysipelas and fever patients lie side by side in the same tent; that the hospital is inadequately supplied with table furniture, and that the grounds are not policed.

Every bed in the hospital is supplied with two blankets. There is a laundry for cleansing the clothing of sick men and the hospital is abundantly supplied with wash-basins, towels, and soap.

Two or three nurses are assigned to every ward, one of whom is always present therein day and night. The surgeon has all the table furniture he desires, and the supply is ample. For the use of the sick the surgeon has had farina, cornstarch, meal, soft crackers, fruit, beef extract, wine, jelly, and cordials.

Wounded men are alone in one tent, erysipelas patients alone in another.

At one time there was considerable delay in filling the surgeon's requisition for medicines, but during that period he was furnished with medicines from the general hospital. It is said that blankets are furnished well men in the proportion of one to three only; false again; every man has a blanket unless he has sold or gambled it away. True it has happened that on the arrival of a large number of prisoners without blankets the quartermaster has not had enough to supply them, but it is not so now.

Frequent inspections are made and coats, pants, shirts, shoes, and blankets issued as health and decency require. According to the report the camp is a little over 1,000 feet square and contains sixteen acres. A

child ten years old who did not know and could not find out that a plat of ground 1,000 feet square contained over twenty-three acres would not be regarded as a very surprising genius.

The sinks for use by day are without the encampment and over the waters of the Chesapeake, and they have been so from the beginning. For use at night boxes have been provided, which at reveille are removed to the bay and cleansed. This has been done since the date of the report. The camp is policed every day. The drainage is not good, and will not be until some genius equally as brilliant as the author of this report in question discovers a method of causing water to flow as readily from a level surface not much elevated above the surrounding seas.

The prisoners are treated as prisoners of war ought to be by a civilized people, and they and their friends are content. They have shelter, clothing, and wholesome food sufficient to insure vigorous health. They have an abundance of fresh water in the camp and daily access to the waters of the bay. That they are a dirty, lousy set is true enough, but having afforded them every facility for cleanliness the duty of the Government in this regard as respects the well men is accomplished.

Now, colonel, come and inspect the camp yourself or send some one, a soldier or army surgeon, who knows what camp life is and who has sufficient ability to apprehend the facts and integrity enough to state them

Respectfully, your obedient servant,

GILMAN MARSTON,
Brigadier-General, Commanding.

[Inclosure.]

OFFICE COMMISSARY OF PRISONERS' CAMP,
Point Lookout, Md., December 1, 1863.

Brig. Gen. GILMAN MARSTON:

GENERAL: In compliance with your request that I make a report to you of the amount of rations to prisoners at the camp I have the honor to submit the following statement:

After a careful computation I find the daily amount of bread issued to each prisoner during the month of October was 13.7 ounces, and that of meats, 8.7 ounces. For the month of November, 13.3 ounces of bread and 8.1 ounces of meats. Bean or other soups are issued on an average once in three days; coffee twice a day—a pint at each time to every man excepting when soup is served, and all the vegetables and molasses that are allowed by the Army Regulations have been drawn and issued to them.

I would remark here in regard to the issue of vegetables, that I never knew a time during my service when Federal troops got so constant a supply of vegetables as has been issued to the prisoners here.

Rice is seldom issued, the prisoners generally not liking rice. If complaints have been made to you of the inefficiency on the part of the cooks, I would respectfully suggest that these complaints have come from persons desirous to get in the cook-rooms. The cold weather coming on renders this position desirable. I would further remark that there are prisoners here whose only disposition is to eat and sleep. These also may have complained; but to discriminate in their favor would only be to encourage these habits, which I have not done. No restrictions are made as to the amount of soap to be issued, only so far as to prevent waste. On the whole, I have no hesitation in saying

that it is my firm conviction that the physical condition of the prisoners is far better than when received, in every sense.

Very respectfully, your obedient servant,

J. H. WILKINSON,
Commissary-Sergeant Prisoners' Camp.

HEADQUARTERS SEVENTEENTH ARMY CORPS,
DEPARTMENT OF THE TENNESSEE,
Vicksburg, December 4, 1863.

Col. W. HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

SIR: In explanation of your letter of November 24 I have the honor to state that Lieut. Col. N. G. Watts, C. S. Army, assistant for the exchange of prisoners, made no application to me for the delivery of those left in the city. The prisoners referred to were those left in hospital because their condition was such that they could not be moved when the others were sent off. In consequence of official information from Washington, received about the last of September, that the Confederate authorities were putting the paroled prisoners captured in this place in the ranks to serve against us, before they were exchanged, Major-General Grant gave verbal instructions that no more paroled prisoners should be sent out until further orders. As soon, however, as the surgeon in charge of the C. S. Army hospital, Dr. R. M. Darling, reported that the patients were in a condition to be moved, some in wagons and some in ambulances, I telegraphed to Major-General Grant and asked for instructions. His reply was:

> Send them out. If the Confederate authorities have acted in bad faith, we will not.

They were accordingly sent out about two weeks ago.

I have to state, also, that the terms of the capitulation have been carried out according to the spirit and the letter.

Very respectfully, your obedient servant,

JAS. B. McPHERSON,
Major-General.

HEADQUARTERS FIRST DIVISION OF CAVALRY,
Vermillionville, December 4, 1863.

Maj. Gen. W. B. FRANKLIN:

GENERAL: Inclosed I send you by Captain Wells, assistant adjutant-general on my staff, a communication from General Taylor.* Having no officers or soldiers of the class spoken of in this district, and that question being unnecessary to be mooted in an arrangement for the exchange of prisoners between yourself and General Taylor, I suppose the exchange will be effected, and it will be unnecessary to send clothing or money to your officers or men who are prisoners in our hands. If, however, the negotiations should be again broken off, I will take great pleasure in facilitating you in forwarding money, clothing, or other articles to your officers or soldiers in our hands in accordance with the terms contained in General Taylor's communication.

I am, general, very respectfully, your obedient servant,

THOS. GREEN,
Brig. Gen., Comdg. First Division of Cavalry, Western La.

See December 3, p. 641.

HEADQUARTERS TROOPS IN WESTERN LOUISIANA,
New Iberia, December 4, 1863—3.30 p. m.

Brig. Gen. C. P. STONE, *Chief of Staff, New Orleans, La.:*

General Taylor has answered my dispatch of 1st instant by one dated Alexandria, 3d instant. He states that he has no prisoners who are officers of negro regiments. He expresses a willingness to exchange officers and men, officer for officer and man for man, without acknowledging the principle that officers of negro regiments are subject to exchange, or without saying anything about it. He offers to allow an officer to go with the clothing and other necessaries sent to the prisoners if I desire it. He informs me, too, that our Treasury notes cannot be used by our officers and men who are prisoners. Gold, silver, and Confederate or Southern bank notes are only available. Will it not be well to send forward Confederate money if the Government has any in New Orleans? I await instructions.

W. B. FRANKLIN,
Major-General, Commanding.

GENERAL ORDERS, No. 159. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, December 4, 1863.*

I. Hospitals for prisoners of war are placed on the same footing as other C. S. hospitals in all respects, and will be managed accordingly.

II. The hospital ration is fixed, until further orders, at the same rates of issues now made to soldiers in the field. If a greater allowance is required of any particular articles, special requisitions must be made therefor.

By order:

S. COOPER,
Adjutant and Inspector General.

WAR DEPARTMENT, *Washington City, December 5, 1863.*

Mr. PRESIDENT: A general summary of the military operations of the past year is furnished by the report of the General-in-Chief, herewith submitted.*

* * * * * * *

In the operations that have been alluded to, prisoners of war to the number of about 13,000 have fallen into the hands of the enemy and are now held by them. From the commencement of the rebellion until the War Department came into my charge there was no cartel or formal exchange of prisoners; but at an early period afterward a just and reasonable cartel was made between Major-General Dix and the rebel General Hill, which, until recently, was faithfully acted upon by both parties. Exchanges under that cartel are now stopped, mainly for the following reasons:

First. At Vicksburg over 30,000 rebel prisoners fell into our hands, and over 5,000 more at Port Hudson. These prisoners were paroled and suffered to return to their homes until exchanged pursuant to the terms of the cartel. But the rebel agent, in violation of the cartel, declared the Vicksburg prisoners exchanged; and, without being exchanged, the Port Hudson prisoners he, without just cause, and in

* See extract relating to this series, p. 523. For other portions (here omitted), see Series III.

open violation of the cartel, declared released from their parole. These prisoners were returned to their ranks, and a portion of them were found fighting at Chattanooga and again captured. For this breach of faith, unexampled in civilized warfare, the only apology or excuse was that an equal number of prisoners had been captured by the enemy. But, on calling for specifications in regard to these alleged prisoners, it was found that a considerable number represented as prisoners were not soldiers, but were non-combatants—citizens of towns and villages, farmers, travelers, and others in civil life, not captured in battle, but taken at their homes, on their farms, or on the highway, by John Morgan and other rebel raiders, who put them under a sham parole. To balance these men against rebel soldiers taken on the field would be relieving the enemy from the pressure of war and enable him to protract the contest to indefinite duration.

Second. When the Government commenced organizing colored troops the rebel leader, Davis, by solemn and official proclamation, announced that the colored troops and their white officers, if captured, would not be recognized as prisoners of war, but would be given up for punishment by the State authorities.

These proceedings of the rebel authorities were met by the earnest remonstrance and protest of this Government, without effect. The offers by our commissioner to exchange man for man and officer for officer, or to receive and provide for our own soldiers, under the solemn guarantee that they should not go into the field until duly exchanged, were rejected. In the meantime well-authenticated statements show that our troops held as prisoners of war were deprived of shelter, clothing, and food, and some have perished from exposure and famine. This savage barbarity could only have been practiced in the hope that this Government would be compelled, by sympathy for the suffering endured by our troops, to yield to the proposition of exchanging all the prisoners of war on both sides, paroling the excess not actually exchanged; the effect of which operation would be to enable the rebels to put into the field a new army 40,000 strong, forcing the paroled prisoners into the ranks without exchange, as was done with those paroled at Vicksburg and Port Hudson, and also to leave in the hands of the rebels the colored soldiers and officers, who are not regarded by them as prisoners of war, and therefore not entitled to the benefit of the proposed exchange.

The facts and correspondence relating to this subject are detailed in the accompanying report of Major-General Hitchcock, commissioner of exchanges.* As the matter now stands, we have over 40,000 prisoners of war, ready at any moment to be exchanged, man for man and officer for officer, to the number held by the rebels. These number about 13,000, who are now supplied with food and raiment by this Government and by our benevolent and charitable associations and individuals. Two prisoners, Captains Sawyer and Flinn, held by the rebels, are sentenced to death, by way of a pretended retaliation for two prisoners tried and shot as spies by command of Major-General Burnside. Two rebel officers have been designated and are held as hostages for them.

The rebel prisoners of war in our possession have heretofore been treated with the utmost humanity and tenderness consistent with security. They have had good quarters, full rations, clothing when needed, and the same hospital treatment received by our own soldiers. Indulgence of friendly visits and supplies was formerly permitted, but

* See p. 607.

they have been cut off since the barbarity practiced against our prisoners became known to the Government. If it should become necessary for the protection of our men, strict retaliation will be resorted to. But while the rebel authorities suffer this Government to feed and clothe our troops held as prisoners we shall be content to continue to their prisoners in our hands the humane treatment they have uniformly enjoyed.

* * * * * * *

Respectfully submitted.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, *December 5, 1863.*

Colonel HOFFMAN,
General Superintendent of Prisoners, Washington, D. C.:

DEAR SIR: I have received urgent appeals from Point Lookout to send some common clothing to some destitute suffering prisoners there. Up to this time permission was freely given, and under that permission (for I would do nothing without the express consent of the authorities) I employed a merchant here to prepare a box worth about $125. Some of these prisoners are relations or sons of old Christian friends. The box contains only flannel shirts and drawers, and socks and cheap hats. As an act of charity, especially as the order was given and part of the things bought while there was full permission, I beg you will allow me to send this box, to be examined, of course, by the provost-marshal, Captain Patterson, at Point Lookout. For my loyalty I refer you to Secretary Chase, who is my friend, or to General Schenck. As the persons are in want and the point very bleak, some of them wounded and others diseased, I beg you to confer a favor by honoring this with your immediate attention. I refer you also to Senator Harris, of New York, N. Y., my intimate friend.

With much respect, dear sir,

RICHD. FULLER.

Please direct to Reverend Doctor Fuller.

COLUMBUS, OHIO, *December 5, 1863.* (Received 4.15 p. m.)

Hon. E. M. STANTON:

Two of the captains who escaped with Morgan have been retaken and returned to the penitentiary. They were captured near Louisville. Say they remained in a corn-field forty-eight hours, when they took the cars for Louisville. As yet refuse to give any information as to Morgan. I had offered a suitable reward for the apprehension of the men without naming any sum. What sum shall be paid, and how?

DAVID TOD,
Governor.

HEADQUARTERS MILITARY PRISON, CAMP MORTON,
Indianapolis, Ind., December 5, 1863.

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your letter of instructions of the 1st instant prohibiting trading by the prisoners

with the sutler. This order will be strictly obeyed. I beg permission to remark that the privation of tobacco will cause more trouble and discontent among the prisoners than that of the short allowance of clothing. The revolvers for the use of the prison guard have arrived, with a part of the equipments, and I shall endeavor to make the guard as effective as possible with the means at my command.

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

HEADQUARTERS CONVALESCENT CAMPS AND BARRACKS,
Nashville, Tenn., December 5, 1863.

Capt. R. M. GOODWIN,
Acting Assistant Provost-Marshal-General:

CAPTAIN: I have the honor to inclose the statements of Captain Lakin, Eighty-ninth Ohio Volunteer Infantry, in regard to shooting of two rebel prisoners at Barracks No. 1, on the 4th and 5th of December.

I am, captain, very respectfully, your obedient servant,

RALPH HUNT,
Captain First Kentucky Infantry, Commanding.

[Inclosure No. 1.]

HEADQUARTERS EXCHANGE BARRACKS,
Nashville, Tenn., December 5, 1863.

Capt. RALPH HUNT,
Commanding Convalescent Camps and Barracks:

CAPTAIN: Sergt. William McClelland, Company F, Fifty-eighth Alabama, was shot by George Spencer, private Company K, Sixteenth Michigan Infantry. On the morning of the 4th instant said Spencer received his orders from Lieut. Turner Bartley, Company H, Ninth Kentucky Infantry, commanding guard, to shoot the first Confederate prisoner he caught throwing out of the windows at people passing along the streets. Said McClelland did throw two pieces of brick out of the window; he afterward got in the window and was spitting down upon Federal soldiers. The guard ordered said McClelland twice to get back on the inside; he (meaning McClelland) shook his head; the guard then shot him dead. Lieutenant Bartley told the Confederate prisoners if they did not keep out of the windows and quit throwing things out that some of them would get shot.

Very respectfully,

JNO. S. LAKIN,
Commanding Exchange Barracks.

[Inclosure No. 2.]

HEADQUARTERS EXCHANGE BARRACKS,
Nashville, Tenn., December 5, 1863.

Capt. RALPH HUNT,
Commanding Exchange Barracks and Convalescent Camps:

CAPTAIN: In compliance with orders I respectfully submit the following in regard to the shooting of a Confederate prisoner of war at Exchange Barracks this morning:

Lewis Price, private, Company A, Second Missouri Infantry, was on duty as guard on post No. 3, at northwest corner of the barracks building, and his instruction was to keep the prisoners out of the windows and not allow them to throw anything out of the windows at people pass-

ing along the streets. J. H. Reese, first lieutenant, Company G, Fortieth Indiana Infantry, commanding guard, gave the instructions.

The man who was shot came to the window and got up into the window, and the sentinel ordered him away three times, and he paid no attention to the command, and the guard shot him (meaning T. J. Smith, private, Company B, Fifth Georgia), causing his death. I immediately went upstairs and made inquiries what the prisoner had done to be shot. The prisoners standing by when Smith was shot told me Smith was standing in the window making sport of the sentinel, and remarked that "the damned old gun was of no use, and that they would not kill him, &c." The prisoners told me that he ought to be shot; that he had orders to keep away from the windows.

I am, captain, very respectfully, your obedient servant,

JNO. S. LAKIN,
Commanding Exchange Barracks.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 5, 1863.

Maj. Gen. W. B. FRANKLIN,
Commanding Troops in Western Louisiana, New Iberia:

GENERAL: If you can effect exchange of prisoners with the general in front on equal terms without raising the question of officers of colored regiments, the enemy having none such in their hands, by General Taylor's statement, the commanding general will approve. How much worthless money do you want?

Very respectfully, your obedient servant,

CHAS. P. STONE,
Brigadier-General and Chief of Staff.

WASHINGTON, D. C., *December 5, 1863.*

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners:

SIR: I have the honor to report that agreeably to your order of the 3d ultimo I proceeded from Fort Monroe to Fort Delaware and inspected that post with reference to the provision for and treatment of rebel prisoners confined there. I first saw and conversed with the rebel surgeons, explaining to them the purpose of my visit. I invited a free expression by them, or any of them, of any matter connected with their treatment and the treatment of their men then existing, or that had at any time existed since their imprisonment there. Replying to my interrogations about food, clothing, quarters, and general treatment, their expression was that they had no cause of complaint, nor did they know of any on the part of their men. One of their number, however, referred to the case of a man being shot by a sentinel which he thought was unjustifiable, which was the only complaint any of them made or referred to in the treatment of prisoners there. Another one, for the want of anything to complain of there, alluded to the treatment of General Morgan in Ohio as a great outrage. I replied to him that my mission related exclusively to matters at Fort Delaware. Failing to elicit from them any matter of complaint, excepting about the soldier that was shot, I made inquiry into that matter and found he was killed while attempting to effect his escape; and next visited the men's quarters. I found their sleeping barracks well constructed, well lighted, and well ventilated, the floors sufficiently raised above the ground surface to be

dry, whitewashed on the outside, and sufficiently high between joints for two tiers of bunks on either side of a middle passageway seven feet wide. In the passageway at suitable intervals were put up four large coal stoves in each one of the barracks. The tiers of bunks are about four and a half feet between joints, six and a half feet deep, and inclining slightly toward the passageway. The ventilation is through the roof. A sufficient number of ventilators constructed in the ordinary manner are common to all the buildings constituting the men's quarters, mess-rooms, kitchens, bakery, and hospital wards. Visiting next the kitchens, I found them exceedingly neat and well ordered, ample in size, and furnished with kettles set in arches, and cooking ranges with all necessary furnishings and utensils. The bake-house I found to be a model one in all respects, as well constructed and convenient as any post bakery I have ever seen outside of Washington, and ample in its accommodations. I examined the bread, which I found to be of excellent quality, made of two parts wheat and one of corn-meal. The mess-rooms are constructed like the sleeping barracks, somewhat wider, with tiers of stationary tables with sufficient intervals between them.

These buildings have all been constructed on the same general plan, including also the hospital ward, of the same material, and are as good in all respects as are provided for our soldiers at recruiting depots and camps of instruction. The grounds are well ditched, and plank and brick walks have been constructed to and from every point necessary to be visited. I saw the men at their dinner and noticed their fare; everything served to them was as good and abundant as the rations supplied to our soldiers, including onions, potatoes, and cabbage once a day habitually. I made inquiry of the men singly and in groups and of their non-commissioned officers in charge of messes about their rations, their clothing, quarters, and general treatment. With a single exception their answers were that they had nothing to complain of, that they had good and sufficient rations, good clothes, and good quarters. The exception was that of a man who said he did not have as much bread for his breakfast that morning as he usually had. Turning to the sergeant of his mess, I asked him about the matter. "Oh," said he, "don't mind him; he would grumble if he had a cart-load of bread." In the course of my inquiries I learned from the men that of their bread rations for the last week they had saved thirteen cart-loads of bread—any excess of rations or savings is allowed to them in an increased amount of vegetables. Finding the well men without cause of complaint, I next visited the prison hospital. Each of the hospital barracks constitutes a ward, with a mess-room at the head for convalescents and a surgeon's office across a hall opposite. I found them clean, comfortable, and well ordered in all respects, with ample room and accommodations for the sick. They are arranged with one tier of single beds on either side of a sufficiently wide passageway, and are heated with coal stoves; the walls were whitewashed, the bedding clean, the attendants tidy in appearance, and everything indicated that the sick were as comfortable as possible. I talked with the sick, with the convalescent, and with the attendants, and to all inquiries received the same general replies, that they were well cared for and as comfortable as they could be made. The sick are allowed to have the attendance of their own surgeons if they so desire, and I found in the different wards rebel surgeons attending some of their sick.

From my personal inspection and from what I learned, I venture to affirm that the rebel sick are as well provided for and treated at this

post as our own sick in the various hospitals provided for our army, and that the accommodations for and general treatment of the rebel prisoners will compare favorably with the accommodations provided for and the treatment of our soldiers at recruiting depots and camps of instruction. In my description of the buildings for prisoners, I omitted to mention the provision made for water, which is supplied from Brandywine Creek every day or once in two days; it is kept in large iron tanks convenient to and sufficient for all the uses of the post, the garrison included. These tanks are of the capacity of sixty barrels or more, and are tapped with faucets at the base all around the tanks, as near together as practicable, so that a dozen or more persons can draw water at the same time. They are coated with a white paint and in warm weather keep the water as cool as any hydrant water. I tasted the water and found it as sweet as Potomac Creek or James River water. In regard to clothing supplied to prisoners, I ascertained from the post quartermaster that about 6,000 overcoats had been issued to them since the 1st of September last and a corresponding amount of other clothing. Every man is furnished with whatever clothing he needs, to include for each man an overcoat and one good blanket.

I asked for and obtained duplicate clothing and provision returns from September 1 to November 5, inclusive; also hospital mess bills for each day in the week, the diet being varied somewhat, and duplicate sick reports for two periods, which were estimated to be a fair average in their showing. On my return to Fort Monroe, I reported in writing to Brigadier-General Meredith the result of my inspection, and appended to my report the duplicate vouchers above mentioned, which report was immediately dispatched to Hon. Robert Ould, Confederate agent of exchange, in Richmond. At a subsequent day and on or about the 23d ultimo, I met Mr. Ould under a flag of truce at City Point, and in a conversation with him in reference to treatment of prisoners he remarked in substance, "that the concurrent testimony they had repecting the treatment of Confederate prisoners by the U. S. authorities went to show that they were well treated at all points excepting at Fort Delaware and Point Lookout." To which I answered that I had no personal knowledge about the treatment of prisoners at Point Lookout, but at Fort Delaware I had carefully examined into their treatment there and knew it was without any just cause of complaint, and called his attention to my report, which he had before then received. He said he had looked over the report, but that he had formed the opinion that their prisoners were badly treated there upon what he supposed to be reliable information, and it was hard for him to overcome that conviction. He then referred me to his dispatches which Captain Hatch, his assistant, would during the day deliver to me for General Meredith, and requested me to read a report of an inspection of their prisons and prison hospitals in Richmond.

On receiving the dispatches, I read the report to which he had invited my attention, and I confess I was not a little surprised to find by the certificates of at least two Confederate officers that my observation during a period of over four months which I spent in Libby Prison and its hospital was all a delusion. The unanimous testimony of our ninety-three surgeons who have since been released from Richmond and the condition of 350 of our sick sent away from the hospitals of Richmond while that report was being prepared, are stronger evidences than the report furnished by Mr. Ould.

I have the honor to be, very respectfully, your obedient servant,

WM. IRVINE,

Lieutenant-Colonel Tenth New York Cavalry.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, December 5, 1863.

Colonel WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Many of the prisoners, especially among late arrivals, are in need of shoes, stockings, and, indeed, other clothing, to be suited to the climate and season. There is also a great call for tobacco, paper, stamps, &c.; also vegetables, &c. They have money in my hands for the purchase of such articles. Is it the design that they should be prohibited? Under my present orders to issue no clothing, and there being no sutler to buy of, it amounts to a prohibition. If they can have them, how can they be supplied? My own judgment is that some one should be appointed, whether called sutler or by any other name, who should supply the prisoners; that he should sell from a list furnished by the commanding officer, on which articles could be added or taken off, as desired. I could furnish you the list and when anything was added to it, send it to you, subject to your approval. I will only further add that I see no medium course. Either that they cannot have the articles, or some one be appointed to provide them. If they were allowed to send to the city, some one must do their errands. If officers or non-commissioned officers, it brings them in such contact as to lead to bribery, &c. Indeed it makes a number of persons to take care of instead of one.

Very respectfully, your obedient servant,

W. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

FORT LAFAYETTE, *New York Harbor, December 5, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have just received your communication of the 3d instant, which in effect appears to mean that the prisoners shall live on the rations allowed by Government. I would respectfully request to be informed as soon as possible, with a view of carrying out the Honorable Secretary of War's wishes, whether donations from friends are allowed to be received for the prisoners at this post. Money, of course, is excluded, but I mean clothing and provisions.

I am, sir, very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 5, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have the honor to submit the accompanying correspondence between the Federal agent of exchange and myself.

I have selected from the mass of correspondence such letters as relate to matters of general interest, and especially to the subjects of controversy between us.

1. Papers from 1 to 12, inclusive, relate to the arrest and detention

of non-combatants.* The Federal authorities have persistently refused to observe any reciprocal rule as to such parties. Their military commanders seem to have been permitted to make arrests of non-combatants without regard to their age, sex, or situation. After arrest they have been thrown into prison, and there indefinitely retained in most cases without charges. I have persistently contended that the whole subject of the capture of non-combatants should be determined by rule and not by arbitrary practice. This reasonable proposal not receiving the assent of the enemy the Confederate authorities have been forced in some instances to retain Federal non-combatants as a measure of retaliation.

2. Papers from 13 to 16, inclusive, relate to the retention of exchanged and unexchanged officers and men.† There are now officers and men in Federal prisons who have been there ever since the adoption of the cartel. I have brought to the attention of the U. S. authorities again and again the names of some of the parties who were confined in violation of the exchange agreements. In some cases after long delay the parties were released. Others, however, are still languishing in confinement.

3. Papers from 17 to 40, inclusive, relate to the general orders of the enemy and their connection with declarations of exchange.‡ So anxious has the Confederate Government been to remove all obstacles to a general exchange of prisoners that when the computation and adjustment of paroles was made a subject of difficulty by the enemy, we promptly agreed to determine the whole matter in accordance with the general orders issued at Washington. This very liberal proposition has not been accepted by the Federal authorities. I have, however, by virtue of the provisions of the cartel, proceeded to make declarations of exchange upon the basis of those general orders. In these declarations of exchange I have not exceeded the valid paroles which are on file in my office. The reply of the Federal agent to my letter of October 31, 1863, was so personally offensive that I was compelled to return it to him without any answer.

4. Papers from 41 to 47, inclusive, relate to the confinement of General John H. Morgan and his officers in the penitentiary at Columbus,

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* For extract of Ould to Ludlow, October 4 [5], 1862 (beginning "I also bring to your attention" and ending "belonging to the class to which I have referred"), see Vol. IV, this series, pp. 602, 603; Ludlow to Ould, December 3, 1862, Vol. V, this series, p. 20; Ould to Ludlow, December 11, 1862, *ibid.*, p. 71; Ludlow to Ould, June 2, 1863, p. 657, *post;* Ould to Ludlow, June 5, 1863 (relating to correspondents of the press), Vol. V, this series, p. 746; Ould to Meredith, August 1, 1863 (extract beginning "For the purpose of showing"), p. 167, *ante;* Meredith to Ould, August 27, 1863, p. 232; Ould to Meredith, August 28, 1863 (beginning "I still adhere"), p. 237; Meredith to Ould, August 14, 1863, p. 202; Ould to Meredith, August 20, 1863 (first communication), p. 220; Meredith to Ould, October 23, 1863, p. 416; Ould to Meredith, October 31, 1863, p. 452.

† See Ludlow to Ould, April 8, 1863, Vol. V, this series, p. 456; Ould to Ludlow, April 11, 1863, *ibid.*, p. 469; Ould to Meredith, October 2, 1863, p. 339, *ante;* Ould to Meredith, October 23, 1863 (second communication), p. 416.

‡ See Ould to Ludlow, June 19, 1863 (beginning "On the 5th day of June"), p. 29, *ante;* Ludlow to Ould, July 7, 1863, p. 90; General Orders, 207, p. 78; Ould to Ludlow, July 13, 1863 (first communication), p. 113; Ludlow to Ould, July 14, 1863, p. 116; Ould to Ludlow, July 17, 1863, p. 125; Ludlow to Ould, July 22, 1863, p. 136; Ould to Ludlow, July 26, 1863, p. 151; Exchange Notice No. 6 (in General Orders, No. 123, September 16, 1863), p. 295; Meredith to Ould, September 24, 1863, p. 315; Ould to Meredith, October 2, 1863 (second communication), p. 339; Meredith to Ould, September 14, 1863, p. 286; Ould to Meredith, September 14, 1863, p. 286; Exchange Notice No. 7, p. 388; Ould to Meredith, October 16, 1863 (second communication), p. 387; Meredith to Ould, October 17, 1863, p. 388; Ould to Meredith, October 27, 1863, p. 428; Ould to Meredith, October 20, 1863, p. 401; Ould to Meredith, October 27, 1863 (third communication), p. 430; Meredith to Ould, October 29, 1863, p. 441; Ould to Meredith, October 31, 1863, p. 452; Meredith to Ould, November 7, 1863, p. 481; Ludlow to Ould, May 22, 1863, Vol. V, this series, p. 690; Ould to Meredith, November 18, 1863 (first communication), p. 537, *ante.*

Ohio.* Though the Federal agent, on the 30th of July, 1863, notified me that General John H. Morgan and his officers would be placed in close confinement, he informed me two months afterward that "the U. S. authorities had nothing to do with the treatment that General Morgan and his command received when imprisoned at Columbus."

5. Papers from 48 to 57, inclusive, relate to the detention of surgeons.† Before the date of the cartel surgeons were unconditionally released after capture. That rule was first adopted by the Confederate commanders, and was subsequently followed by the Federals. Some time ago, one Doctor Rucker was indicted by a grand jury in Virginia for several felonies. Although Rucker never was a surgeon in the Federal service the enemy held Surgeon Green of the Confederate Navy in retaliation. This caused retaliation on our part in return, and surgeons were afterward held in captivity on both sides. In this instance the Federal authorities proved that they were ready to sacrifice their own medical officers in an endeavor to secure the release of a felon in no way connected with their medical service. Rucker having recently escaped from jail, the surgeons on both sides have been released.

6. Papers from 58 to 63, inclusive, relate to persons captured upon our rivers and the high seas.‡ By agreement made with the Federal agent of exchange all such who were captured before December 10, 1862, were declared exchanged. In spite of that agreement, some of our pilots and sea captains were kept in confinement. The correspondence will fully show the refusal of the Federal authorities to adopt any fair and reciprocal rule as to the further exchange of such persons.

7. Papers numbered 64 and 65 show the pretentions of the enemy as to such persons as have been tried under the laws of a sovereign State for offenses against her laws.§

8. Papers from 66 to 72, inclusive, embrace all the correspondence in which General E. A. Hitchcock has borne a part.‖ It seems there are two commissioners of exchange on the part of the Federal Government. How far the authority of each extends, or how far one is subordinate to the other, has not as yet clearly appeared. The future may perhaps explain that they may be put to separate uses.

The last letter of General Hitchcock, bearing date November 23, 1863, I returned with the following indorsement, to wit: "Protest.

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* See Meredith to Ould, July 30, 1863, p. 160, *ante;* Ould to Meredith, August 1, 1863 (first communication), p. 166; Ould to Meredith, August 28, 1863 (second communication), p. 237; Meredith to Ould, September 30, 1863 (first communication), p. 330; Ould to Meredith, October 2, 1863, p. 338; Ould to Meredith, October 13, 1863, p. 374; Alston to Seddon, October 10, 1863 (ending "and he had sent them"), p. 375.

† See Ould to Ludlow, May 29, 1863, Vol. V, this series, p. 720; Ludlow to Ould, June 9, 1863, p. 657, *post;* Ould to Ludlow, June 12, 1863, p. 13, *ante;* Ludlow to Ould, June 14, 1863 (second communication), p. 18; Ludlow to Ould, June 18, 1863, p. 26; Ould to Ludlow, June 23, 1863, p. 35; Ludlow to Ould, July 12, 1863, p. 109; Ould to Meredith, August 16, 1863, p. 208; Meredith to Ould, September 30, 1863 (second communication), p. 330; Ould to Meredith, October 2, 1863 (second communication), p. 337.

‡ See Meredith to Ould, July 30, 1863, p. 159; Ould to Meredith, August 1, 1863 (second communication), p. 168; Meredith to Ould, September 27, 1863, p. 323; Ould to Meredith, September 28, 1863, p. 325; Meredith to Ould, October 28, 1863, p. 433; Ould to Meredith, October 31, 1863 (second communication), p. 451.

§ See Meredith to Ould, November 15, 1863, and Ould to Meredith, November 18, 1863, p. 538.

‖ Ould to Meredith, October 27, 1863 (third communication), p. 430; Hitchcock to Meredith, November 6, 1863, p. 471; Ould to Meredith, November 21, 1863, p. 549; Hitchcock to Meredith, November 28, 1863, p. 590; Hitchcock to Meredith, November 13, 1863 (first communication), p. 515; Ould to Meredith, November 18, 1863 (second communication), p. 537; Hitchcock to Meredith, November 23, 1863, p. 552; Dix-Hill cartel and supplementary articles, July 22, 1862, Vol. IV, this series, p. 266.

ing that the statement of facts contained in this paper is incorrect, I return it to its author as unfit to be either written or received."

With this brief notice of the correspondence, I respectfully submit it as my report.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

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No. 4.

HDQRS. DEPT. OF VIRGINIA, SEVENTH ARMY CORPS,
Fort Monroe, June 2, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: A. D. Richardson and Junius H. Browne, correspondents of the New York Tribune, captured about the 4th of May last, near Vicksburg, are said to be confined in the Libby Prison. Mr. Colburn, the correspondent of the New York World, who was captured with them, has been released. It has been the practice to treat attachés of the press as non-combatants and not to retain them. The release of Mr. Colburn is a partial recognition of this practice. Will you please inform me if you will release Richardson and Browne; and if not, why not?

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

[In its chronological order this paper should have appeared in Vol. V.]

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No. 49.

HDQRS. DEPT. OF VIRGINIA, SEVENTH ARMY CORPS,
Fort Monroe, June 9, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: Please have ready for delivery all our officers in your hands who have been declared exchanged, Spencer Kellogg among the number. Deliveries of your officers declared exchanged can then be effected. I would suggest to you that Doctor Rucker be included. I very much desire that all surgeons should be treated as non-combatants and unconditionally released. As I have before remarked to you, the cause of humanity demands it. I saw Doctor Green at Fort Norfolk. He is most anxious to know what is to be his fate. Can you inform him?

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

[In its chronological order this paper should have appeared in Vol. V.]

SPECIAL ORDERS, No. —.

COMMANDANT'S OFFICE,
C. S. MILITARY PRISON,
Richmond, December 5, 1863.

A committee of Federal officers, to be called "Board of Distribution," is hereby appointed, to consist of the following members: Lieutenant-

Colonels Boyd, Sanderson, Hunter, and Von Schrader, and Captain Chamberlain. The board will report to Capt. C. McRae Selph, assistant adjutant-general, who will assign them to such duties in connection with distribution and delivery of quartermaster and commissary stores and other things sent from the United States for Federal prisoners of war as he may deem advisable. This board, under Captain Selph's directions, will be the only authorized party to sign certificates of issue and distribution, and in case the board needs assistance they can apply through Captain Selph for one or more members for temporary duty.

By order of:

TH. P. TURNER,
Major, Commanding.

[DECEMBER 6, 1863.—For statement of Capt. Lewis L. Carter, Company B, Ninth Tennessee, of his treatment while a prisoner, see Series I, Vol. XXXI, Part III, p. 347.]

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 7, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: I was informed upon the return of the flag-of-truce boat from Richmond that the smallpox has broken out among our prisoners there, as it has among our negroes here. We are beginning to get it under here. The flag-of-truce boat being about to return to-day, and there seeming to be an immediate exigency, I have deemed it expedient to send the inclosed note to the rebel commissioner of exchange, which will explain itself.

The telegraph not working between here and Washington any faster than the mail I could not communicate with you before sending.

I trust my action in the premises will be approved.

I have the honor to be, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 7, 1863.

Hon. ROBERT OULD, *Agent of Exchange:*

SIR: I have been informed that the smallpox has unfortunately broken out among the prisoners of war now in the hands of the Confederate authorities both at Belle Isle and at Lynchburg. Anxious, from obvious humane considerations, to prevent the spread of this terrible disorder, I have taken leave to forward for their use, by Major Mulford, assistant agent of exchange in behalf of the United States, a package of vaccine matter sufficient, as my medical director informs me, to vaccinate 6,000 persons.

May I ask that it shall be applied under the direction of the proper medical officer to the use intended?

Being uncertain how far I can interfere as a matter of official duty, I beg you to consider this note either official or unofficial as may best serve the purpose of alleviating the distresses of these unfortunate men.

Since learning the fact I have had no opportunity to apply to the Department at Washington for instructions. No formal receipt is needed; a note acknowledging the receipt of this being all that can be desired.

If more vaccine matter is necessary it will be furnished.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., December 7, 1863.

Hon. ROBT. OULD,
Agent for Exchange of Prisoners, Richmond, Va.:

SIR: I am requested by Major-General Hitchcock, commissioner for exchange of prisoners, to tender you his personal thanks, to which, let me assure you, I most cheerfully join my own, for the efforts we believe you to have recently made in behalf, and for the relief, of Union prisoners in and around Richmond.

I have the honor to be, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS OF THE ARMY,
Washington, December 7, 1863.

Maj. Gen. G. G. MEADE,
Commanding Army of the Potomac:

GENERAL: I inclose herewith an official letter to General R. E. Lee which you will send to him by a flag of truce. This will be delivered to you by Colonel Cutts, aide-de camp, bearer of dispatches.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

[Inclosure.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., December 7, 1863.

General ROBERT E. LEE, *Commanding, &c.:*

GENERAL: I am authorized to offer, through you, to exchange all U. S. prisoners of war now in Richmond and its vicinity for equivalents, according to the scale of the cartel, these equivalents to be sent by us to City Point, leaving for future arrangement all questions in regard to other prisoners of war held by either party.

If the offer is accepted you will please inform me of the numbers and grades to be so exchanged and the times of their delivery.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

HEADQUARTERS SEVENTEENTH ARMY CORPS,
Vicksburg, Miss., December 7, 1863.

Maj. Gen. W. T. SHERMAN,
Commanding Army and Department of the Tennessee:

GENERAL: I have the honor to inclose herewith letter* from Lieut. Gen. E. Kirby Smith, received per flag of truce, in relation to the exchange of prisoners, with a copy of my reply.

Very respectfully, your obedient servant,

JAS. B. McPHERSON,
Major-General.

[Inclosure.]

HEADQUARTERS SEVENTEENTH ARMY CORPS,
Vicksburg, Miss., December 7, 1863.

Lieut. Gen. E. KIRBY SMITH,
Commanding Trans-Mississippi Department, C. S. Army:

GENERAL: I have the honor to acknowledge the receipt of your letter of November 26, and to state in reply that I have no authority to enter into any arrangement for the exchange of prisoners.

Your communication, however, will be forwarded to the proper authority for final action, and the decision in the matter transmitted to you by flag of truce at the earliest day practicable.

Very respectfully, your obedient servant,

JAS. B. McPHERSON,
Major-General.

WASHINGTON CITY, D. C., *December 7, 1863.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: In obedience to the order from you to make an inspection of the several places named where rebel prisoners of war are confined and report as to the supplies, means for guarding and keeping the prisoners, their sanitary condition, &c., I have the honor to submit the following report:

On the 12th day of November, A. D. 1863, I left the city of Washington and prior to my return on the 5th of December visited each of the places hereinafter named.

CAMP DOUGLAS, CHICAGO, ILL.

There are here 5,964 rebel prisoners of war; too many for the capacity of the barracks, which are long, wooden, one-story buildings, with bunks on either side, and stoves in the passageway between the bunks. The prisoners are well supplied with food, the ration actually issued being three-quarters of a pound of bacon (1 pound of fresh beef three times a week), good, well-baked wheat bread, hominy, coffee, tea, sugar, vinegar, candles, soap, salt, pepper, potatoes, and molasses. These articles are all of good quality. There is no good system for cooking, each man being left to arrange for himself. The result is a great waste of food and fuel, the latter of which especially is a serious item of expense at this camp. There is a sutler's shop, containing nearly everything (except liquors), including cider, butter, eggs, milk, canned fruits, boots, &c., underclothing, and all the minor articles usually found in a sutler's stock, of which the prisoners are allowed to purchase. Money received for prisoners from their friends is retained by the commanding officer and issued to them in small amounts in sutler's checks. The sanitary

* See November 26, p. 583.

condition of this camp is very good. The sinks are well arranged and kept clean and pure. During October there were eighty-two deaths. The prison hospital is clean, neat, well attended, and comfortable. The garrison is under command of Col. Charles V. De Land, who has his regiment of Michigan sharpshooters, 540 strong, two companies Eighth Regiment Invalid Corps, 336 strong. During the three months ending November 18, 1863, sixty-one prisoners escaped. If this garrison were so increased as to throw around the camp on the outside of the prison fence a chain of sentries, it would prevent all escapes, especially by the new process of burrowing out.

CAMP MORTON, INDIANAPOLIS.

There are 2,881 rebel prisoners of war here. They occupy long, wooden barracks, without floors, with bunks of all shapes and designs. Nearly every barrack was warmed by stoves, but there were some barracks which had no stove or other means of heating. The supplies here are the same as at Camp Douglas and the same want of system in cooking exists (see page 2). A sutler's shop is also allowed here, similar to the one at Camp Douglas. The sanitary condition of this camp has been much neglected, but under the present commander it is receiving proper attention. The deaths for thirty days ending November 18 were forty. The number of sick in hospital (which is very clean and comfortable) at that date was 200. The garrison is in command of Col. A. A. Stevens, Fifth [Regiment] Invalid Corps. He has twelve companies, averaging about seventy-five men, for duty and four other companies now organizing. This camp is well and securely guarded. A new fence is badly needed around the prison inclosure.

JOHNSON'S ISLAND, NEAR SANDUSKY, OHIO.

There are 2,381 rebel prisoners of war here, all of whom but 59 are officers. They occupy very comfortable barracks, which are two-story frame buildings, with floors and well ceiled up, and with good ventilation. The barracks were mostly very clean and neat, the extent of the cleanliness depending upon the taste of the occupants. These barracks are built in two rows, facing each other, with a wide street between. The supply of food is abundant and of good quality, the bread being good wheat bread of the same kind used by our own officers and men composing the garrison. The prisoners have arranged themselves into convenient messes and have cooking-stoves and other facilities for cooking, by means of which they get along comfortably. No sutler is allowed here. The sanitary condition of these prisoners is very good. The whole number of deaths among prisoners during the year 1863 up to November was only sixty-nine out of a total of 2,695 prisoners. During 1862 the deaths were only thirty-seven, most all of these cases resulting from diseases incurred before reaching this camp. The number of sick is forty-two. These prisoners look well and hearty. The garrison, under command of Lieutenant-Colonel Pierson, Hoffman's Battalion Ohio Infantry, 400 effective men, is ample for this post.

CAMP CHASE, NEAR COLUMBUS, OHIO.

There are 2,448 rebel prisoners of war here who are quartered in wooden barracks, with floors, and bunks arranged on the sides. Some of these barracks are too much crowded. Each one is comfortably heated by stoves. The supply of food is abundant and good, as at Camp Douglas, and although their arrangements for cooking are somewhat better than at Camp Douglas, yet they are not what they should be. A sutler is permitted here, who furnishes a supply of articles as at

the other camps. In the stock here I noticed several bottles of gin or schnapps, which were being sold to prisoners, to which I called the attention of the commanding officer. The sanitary condition of this camp is very good. The deaths for October were twenty-eight, and during the first twenty days of November were twelve. There are twenty-eight sick in hospital. The hospital is not as clean and neat as it should be. The garrison is under command of Col. William Wallace and is sufficient for the duty.

COLUMBUS PENITENTIARY, OHIO.

There are seventy-nine rebel prisoners here, consisting of Gen. John Morgan and his subordinate officers, who are confined in a portion of the building to themselves. They are quartered in the cells and have clean, comfortable beds and bedding. They have their washing done in the prison and their cells cleaned and swept by the convicts. They are supplied with prison fare (with the difference of coffee being allowed them), which is well cooked for them; a table set for them and cleaned away by convicts. These prisoners wear their own clothing and have no labor whatever imposed upon them. They are prohibited newspapers and intercourse with any person. They are in good health and condition, only six of them being slightly sick, but they are kindly and comfortably cared for in the hospital. Since my visit General Morgan and six of his officers escaped. In this prison I find a Doctor Brickley, a prisoner under military orders, but, as he affirms, he is a citizen of Cincinnati, and is ignorant of the reason of his detention.

LOUISVILLE AND NASHVILLE.

The prisons at these points are principally used as depots for prisoners en route from the front to other points. At Louisville, November 22, there were 133 rebel prisoners; at Nashville, November 24, there were 315 rebel prisoners, who are well fed on regular rations. These prisons are kept clean and thoroughly policed.

WHEELING, W. VA.

There were only thirty-two rebel prisoners of war. There are here seven citizens under military orders, and twelve citizens held as hostages by the Governor's order. This is principally a prison depot for passing prisoners. Those on hand are well fed and cared for. The prison is a building rented at $1,500 a year by the Government.

GRATIOT STREET PRISON, SAINT LOUIS, MO.

There are 382 rebel prisoners of war and 114 citizens held under military orders at this prison. They are kept in a large building, which is well and conveniently arranged for the purpose. They receive an abundant supply of good food and have good facilities for cooking. There is an abundant supply of pure water at this prison. The prison building and yards are well policed and kept clean, but there is a great lack of personal cleanliness among the prisoners. The prisoners are generally in good health, though there are a large number on hand sick. The garrison is ample for the guard duty required.

ALTON PENITENTIARY, ILL.

There are 1,550 rebel prisoners of war here, who are confined in this building, which was formerly used as the State penitentiary, but some years since abandoned. They are comfortably quartered and well supplied with good, warm bedding. This prison is too much crowded. It should be relieved of 500 men. The prisoners are well supplied with

an abundance of food, which is well prepared and cooked. A sutler is allowed to sell to them. The sanitary condition of this prison is very good. It is cleanly and well kept and under good discipline. There were, November 25, 119 sick in hospital. The deaths for October were thirty-five and for November twenty-nine. The garrison, commanded by Colonel Kincaid with his regiment, 450 strong, is sufficient. The wall surrounding this prison is in some places in bad condition and propped up, much facilitating chances for escape. It could be cheaply rebuilt by the labor of prisoners here under sentence. There are very many prisoners here under sentence, by court-martial or military commission, of hard labor, &c. Some 200 Federal soldiers are here under sentence, but there is no mode of executing the sentence at this place.

M'LEAN BARRACKS, CINCINNATI, OHIO.

There are only twenty-six prisoners of war here; the other forty-three are citizens under military arrest. The prisoners here are well and abundantly fed and allowed to purchase articles under supervision of commanding officer. They are all in good health. The garrison of twenty-eight men is ample for the present duty.

ALLEGHENY CITY PENITENTIARY, PA.

There are 112 rebel prisoners, subordinate officers of General Morgan's command. They are quartered in the cells, which are large and well ventilated. Each cell is supplied with water and gas. The former is used *ad libitum* and the latter until 10 p. m. Since the latter part of November they have been closely confined to their cells. Prior to that they were allowed the privilege of the prison yard at stated hours of the day, on their parole of honor that they would not escape nor attempt to do so. Two of them were caught on the roof in the act of escaping. For this breach of the parole by two of the prisoners they are all closely confined. They have their washing done at the prison, are allowed to purchase most anything they desire, and are very kindly and considerately treated. They are supplied with the prison fare; good wheat bread, soups, beef, and potatoes at stated times. There are about twelve of these prisoners who expressed a desire to take the oath of allegiance.

ROCK ISLAND, ILL.

There were no prisoners at this point November 30, but arrangements were being rapidly perfected for their reception. The capacity of the barracks will be 10,000 men. The garrison here is under command of Colonel Rush and should be in my opinion at least fourteen full companies of the Invalid Corps, as the natural obstacles to an escape are very trivial around this island.

It gives me pleasure to report that at each post I visited the officers were active in the discharge of their duties. There is, however, a want of uniformity in the treatment of the prisoners at the different prisons, at some more privileges being allowed them than at others, while at all places, however, they are kindly treated and well supplied with food. The whole number of prisoners that I visited is about 16,300, and taking into consideration that these men have been gathered from all parts of the Southern States, have endured immense hardships and fatigue, and have been exposed to all kinds of weather and finally compelled to change climate by being removed as prisoners to the Northern States, the present sanitary condition of them is in my opinion very good. At all the prison camps the commandants have taken from the prisoners large amounts of Confederate

money, which they hold without any special orders and seek instruction as to its disposition. At several of these camps I found large numbers of Union soldiers under sentence of courts-martial. Although not within the purview of this report, I cannot help from suggesting that there are many fine soldiers who have already been punished sufficiently and who would render good service if sent back to their commands. At Camp Chase, Columbus, Ohio, I found some 200 or 300 paroled Federal soldiers, without commander, discipline, or any kind of order. At the Columbus, Ohio, penitentiary, I found General John Morgan and seventy-eight of his officers. They were not shaved and dressed in convict clothes as alleged, but wore their own dress and were confined in a part of the building to themselves. The warden assured me that they were not shaved on the head on their entry into his prison, but that their hair was simply trimmed or cut off (but not short), as a necessary measure for personal cleanliness. I would suggest that at each camp where a large number of prisoners may be kept there should be as a part of the garrison defense two or more howitzers, which would be of great service in the event of trouble among the prisoners. Some good plan of cooking for the prisoners at all these large camps should be adopted, by means of which the Government could save very largely in expense, both in rations and fuel. By the present unorganized system at the larger camps every man takes care of himself, and thus wastes rations and uses as much fuel to cook his dinner as could otherwise be used to cook for twenty-five. If our brave soldiers whom the fortunes of war have thrown into the hands of the enemy as prisoners are as well treated as the rebel prisoners I have visited, then indeed might we rest comparatively easy while they are withheld from us. I have appended hereto on one sheet a brief synopsis of my report.

I have the honor to be, sir, your most obedient servant,

WM. W. ORME,

Brigadier-General, U. S. Volunteers.

The prison visited.	Number of prisoners.	Number of deaths from November 1 to 25.	Number of sick.	Sanitary condition of prisoners.	Supplies.	Garrison.	Remarks.
Camp Douglas	5,964	70	100	Very good.	Abundant and very good.	Needs increase.	Garrison should be increased. Rather crowded.
Camp Morton	2,881	40	200	Good	do	Ample	A new fence is badly needed.
Johnson's Island	2,381	16	42	Very good.	do	do	
Camp Chase	2,448	12	28	do	do	do	
Columbus penitentiary	79	0	6	First rate.	Prison fare, but plenty.		
Louisville	133			Very good.	Abundant and very good.	Ample	
Nashville	315			do	do	do	
Saint Louis prison	382	15	108		do	do	
Alton penitentiary	1,550	29	119	Very good.	do	do	Is too much crowded. Needs a new wall.
McLean Barracks	26		1	do	do	do	
Allegheny City penitentiary.	112	0	0	First rate.	Prison fare, but plenty.		
Wheeling	32		1		Abundant, etc.	Ample	
Total	16,303	182	605				

QUARTERMASTER-GENERAL'S DEPARTMENT,
Columbus, Ohio, December 7, 1863.

His Excellency DAVID TOD, *Governor of Ohio:*

SIR: In obedience to your order we proceeded to the Ohio penitentiary about 10 o'clock a. m on the morning of November 28, 1863, and presented to the warden your note, of which the following is a copy:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, November 28, 1863.

N. MERION, Esq., *Warden, &c.:*

I am astounded at the escape of Morgan and other rebel prisoners, and desiring authentic and reliable information of all the circumstances attending the escape I send Quartermaster-General Wright and Secretary Hoffman to visit the prison and learn from you and by personal inspection of the prisoners all that can be known on the subject. Please communicate freely with them.

Respectfully, yours,

DAVID TOD,
Governor.

In compliance with your request the warden accompanied us to that part of the prison occupied by the Morgan prisoners. With a lighted lamp we examined one only of the seven cells from which escapes were made.

As we could not conveniently explore the openings below, we adopt as correct the following report of examination made by F. N. Desellem to the warden of the penitentiary:

OFFICE OHIO PENITENTIARY, *Columbus, November 30, 1863.*

Capt. N. MERION, *Warden Ohio Penitentiary:*

SIR: Pursuant to your request I took an assistant and examined that part of the cells and of the cell house from which John H. Morgan and six of the prisoners confined with him made their escape on the night of the 27th of this month.

Clearness and brevity require a short description of the cell block and house in which they with others had been confined. The cell block is about 100 feet long, 20 wide, and 40 high. It is built of hammered limestone, in such a manner that the doors of the cells are all on the sides and are the only external openings. There are five ranges of cells, one above the other, with thirty-five cells on each range. The doors are latticework of 2-inch bar iron, opening outward. and strongly secured. The cells opening on opposite sides of the block are separated by a center wall of brick, running parallel with the fronts, and those on the same side by transverse brick walls. Each, except the highest range, is closed above by a brick arch which rests on the transverse walls and supports the floor of the cell above it.

The cell house is a stone building, the walls of which are eleven feet distant from the cell block. The intervening space is flagged, and lighted with gas at night. This space has been the walk of the prisoners by day, and the first or lowest and the second range of the cells those in which they have been locked at night.

The foundation of the cell block consists of three parallel walls, with end walls, all of unhewn stone, the middle parallel wall being the foundation of the brick partition wall before mentioned. The space between the outer and center wall is six feet. An arch of twenty inches curvature rests on these walls and runs from the extreme west end of the cell block to the east wall of the cell house, and forms the cover of what was intended for an air chamber. This chamber has had two transverse partition walls with an air way through each; an opening eighteen inches square, secured by an iron grating, formerly admitted external air to the chamber, but is now closed by a bank of coal. The floor conforms to the original eastern slope of the ground on which the cell house stands. At the west end of the chamber the space from the floor to the center of arch is about thirty inches; at the east end it is five feet six inches. The cells stand across this chamber, the arch of which is composed of three courses of brick, the lower set on end, the second and third on edge, making eighteen inches of brick-work, set as usual in lime mortar. On this a floor bed of lime mortar of the depth of three inches at the center of the arch receives the cement floor of the cells, which is three inches thick; thus making a vertical distance from the top of the floor to the center of the arch beneath twenty-four inches. To obtain access to this air chamber a small opening was made at the left inside corner of cell No. 20. The thickness of the cement, lime mortar, &c., between the surface of the floor and the top of the arch at this spot is about twenty-six inches. The foundation wall

being thicker than the partition wall of the cell, the opening being close to the latter, caused a bend in the opening which is now at the surface about thirteen by fifteen inches in diameter. The selection of this spot had reference to the comparative danger of discovery. I saw no indication of the use of any other passage than this in going in and out of the chamber previous to the night of escape, and, though now the most difficult among the seven, was, I believe, the only one used.

The stone foundation on which the arch of the chamber rests presents a vertical face of thirty inches at the point selected for digging the passage to the outside of the cell house. That is, the wall between the floor and the bottom of the arch is thirty inches high. The lower stone seems to have been loosened and removed by scraping the dirt beneath it; others in the same way; until an irregular arched hole was made through the wall, at one place five feet wide, and ascending to the brick-work of the arch, none of which was disturbed. When the dirt was reached, a right-angled hole eighteen inches wide and thirty high was commenced. This was carried forward and downward, widening as it went, for about five feet. At this point it is thirty inches wide, and from it continues of the same width and horizontally to the wall of the cell house. The wall being reached, it seems to have been necessary to scrape out more of the bottom of the passage in order to reach and loosen the lowest stone of the wall. The depression thus formed has filled with water. The stones taken from the hole made through the wall of the cell house were passed back into the air chamber. The hole when finished was smaller than that made through the foundation of the cell block.

I saw no evidence that the ascending hole made on the outside of the wall of the cell house had been fully opened to the surface of the ground. Previous to the night on which it was used to escape, I think it had not been so opened. The openings from six of the cells into the air chamber had been formed from below, and in the same manner, that is, from the center of the arch, the brick-work with the mortar above it had been taken down without disturbing the cement flooring of the cells, a sufficiency of which had been removed to permit the easy passage of a large man. The rubbish remains where it fell. The appearances indicate that the noiseless push of a foot broke down the cement flooring at the proper time and opened a free passage. I saw no appearance of any work having been done to any of the cells with a view to open a passage from them, except to the seven mentioned, and do not think any such was done. The air chamber is dry and absolutely dark. The stones and the dirt removed from the passage were piled in the chamber east of the opening and form an irregular heap 24 feet long, of the average depth of 16 inches.

Some of the implements used in the work, the most efficient of which seems to have been the common table knives used by the convicts, had been removed by persons visiting the chamber before me. I found three fixtures used as candlesticks, a small wooden box, two table knives as above described, some pieces of candles, and two wooden washdishes, same as used by convicts.

Respectfully,

J. N. DESELLEM.

The hole on the outside of the cell house from which the prisoners escaped had been filled when we reached it. It would seem easy for the prisoners to reach the top of the high wall surrounding the prison grounds by climbing the inner gate at the southeast corner. On reaching the top of the wall the prisoners seem to have let themselves down near the guard-house at the southeast corner by means of a rope, found hanging there on the morning of the 28th and which was the first intimation given of an escape. This rope was constructed of bedticking and towels torn into strips and braided in links, or loops about two feet in length and tied together, making a rude but efficient rope ladder.

We could gain no information as to the time of the escape. Each of the prisoners, it was said, were locked in their cells as usual about 4.30 p. m. on the day previous, and their cells found vacated about 6 a. m. of the 28th. We learned from Col. Dick Morgan, a brother of the general, and one or two other prisoners, that previous to the hour for locking up on the 27th, General Morgan took the cell occupied by his brother on the lower tier, and Col. Dick Morgan, disguised in a portion of the general's garments, was standing in the general's cell above with his back to the door as the turnkey came to lock the cell door. The turnkey, Milo H. Scott, says that as he closed the door and locked it he spoke to the general, who said, "Yes, sir." No suspicion or thought of this change entered the mind of the guard or turnkey.

The names of the prisoners who escaped are as follows: Brig. Gen. John H. Morgan, Capt. J. C. Bennett, L. D. Hockersmith, T. Henry Hines, Gustavus S. Mayer, Ralph Sheldon, and Samuel B. Taylor.

In regard to the discipline, control, and guard of the prisoners of war in the penitentiary, we submit copies of the following letters, orders, and statements—first, the letter of Your Excellency to the warden on the 30th of July, the day the prisoners were received at the penitentiary:

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, July 30, 1863.

NATHANIEL MERION, Esq., *Warden of the Ohio Penitentiary:*

You have been advised of a formidable and destructive raid through our State by a band of desperate men under the lead of the notorious John Morgan; also of their capture by the military forces of the Federal Government, aided, however, materially by the militia forces of our State. Upon consultation with Major-General Burnside, commander-in-chief of this military department, I learn from him that he has not, subject to his command, a secure place in which to keep the principal officers of said band. I have therefore tendered to the Federal Government the use of our penitentiary as a place of safe-keeping for them until other provision can be made.

You will therefore please receive from the officers of the United States Government the said John Morgan and thirty others, Confederate officers captured with him (a list of whose names is herewith handed you), and safely and securely keep them within the walls of the penitentiary until other provision shall be made for them. You will carefully search each prisoner as he may be handed over to you and take from him all arms and articles of value (money included) and carefully preserve the same until you may receive further directions touching the disposition thereof. You will keep said prisoners, so far as may be possible, separate and apart from the convicts. You will furnish them with everything necessary in the way of food and clothing for their comfort, and impose only such restrictions upon them as may be necessary for their safe-keeping. You will permit no one to hold interviews or communications by writing or otherwise with them except by written or telegraphic order from General Burnside. You will employ such additional force for guard or other duty as you may deem necessary. Should clothing be required for the prisoners you will make requisition upon me for the same. You will keep an accurate account of all increased cost to the institution consequent upon a compliance with this request and report the same to me from time to time as you may require funds to meet the expenditure.

Respectfully, yours,

DAVID TOD,
Governor and Commander-in-Chief.

We found in the hands of the warden a book of record, kept by him, containing the names of the prisoners, inventories of their effects, date of their arrival or discharge, copies of various letters and orders entered in the style of a diary. We copy from this book the following entries:

JULY 30, 1863.

At 3 o'clock p. m. this day twenty-nine prisoners were received from Brig. Gen. John S. Mason, each of whom was required to deposit his arms, money, jewelry, watch, with what he claimed as personal effects, except apparel in use, in the warden's care; to be bathed, shaved, supplied with supper, a clean bed, and a ventilated gas-lit cell.

Under July 31 is the following entry:

The prisoners are furnished two meals daily, cooked well and served in the dining-room at tables not used by the convicts.

The prisoners are not confined in the cells during the day, and a military guard of two men, wearing only side arms, is detailed and stationed in the hall used by the prisoners in daytime.

The prisoners are locked in different cells at night in the care of the usual prison night watch.

All letters addressed to prisoners must be examined by General Mason, and all letters written by them are submitted to him.

Under date of August 2, 1863, is the following entry:

OFFICE OHIO PENITENTIARY, *Columbus, August 2, 1863.*

An order, of which the following is a correct copy, was received:

"ORDER.] HEADQUARTERS DEPARTMENT OF THE OHIO,
"*Cincinnati, August 2, 1863.*

"Col. John T. Croxton will proceed to Columbus, Ohio, for the purpose of visiting his brother, who is in confinement as prisoner of war.

"By order of Maj. Gen. A. E. Burnside:

"D. R. LARNED,
"*Captain and Assistant Adjutant-General.*"

Pursuant to the above, Colonel Croxton had an interview with his brother.

Under date of August 3, 1863, is the following entry:

OFFICE OF THE OHIO PENITENTIARY, *Columbus, August 3, 1863.*

Pursuant to the recommendation of General Mason, the prisoners, at their cost, were furnished with a set of Waverley Novels and chewing tobacco.

August 5, 1863, is the following entry:

An account has been opened with the rebel officers having money on deposit with the warden, and they having permission to purchase some personal conveniences, Sergt. Joseph Rifle, officer of the military guard at the prison, has been instructed to make a few such purchases until proper arrangements shall have been completed to conduct the business satisfactorily.

Under date of August 8, 1863, is the following entry:

To secure systematic control and supervision in the purchase of authorized personal clothing, &c., for the use of the prisoners of war now confined here, James H. Barcus, steward, was this day directed to attend to this business.

Under date of August 17, 1863, are the following entries:

OFFICE OHIO PENITENTIARY, *Columbus, August 17, 1863.*

Copy of order from physician received this day:

"Capt. N. MERION, *Warden Ohio Penitentiary, &c.:*

"DEAR SIR: I think it advisable that Messrs. Bennett and McLean, rebel prisoners, be allowed to purchase a small quantity of ale daily. They are both in failing health.

"Respectfully,

"S. LOVING,
"*Physician Ohio Penitentiary.*"

OHIO PENITENTIARY, *Columbus, August 17, 1863.*

At the same time were received two orders, of which the following are copies:

"AUGUST 11, 1863.

"Captain MERION, *Warden, &c.:*

"SIR: I think it advisable that Cheatham and Gibson, rebel prisoners, should be allowed to purchase small quantities of ale daily; both are becoming feeble.

"S. LOVING,
"*Physician Ohio Penitentiary.*"

"AUGUST 11, 1863.

"Captain MERION, *Warden, &c.:*

"DEAR SIR: I think it advisable that Colonel Cluke and Major Elliott, rebel prisoners, should be allowed to purchase small quantities of lager beer daily; they are failing in health.

"S. LOVING,
"*Physician Ohio Penitentiary.*"

General Morgan's mother, by letter, requested Captain Merion to accept from her two bottles of cordial forwarded by express, which was received and appropriated to the use of sick in hospital.

Under date of September 10, 1863, is the following entry:

SEPTEMBER 10, 1863.

Copy of order by General Mason:

"HEADQUARTERS U. S. FORCES, *Columbus, Ohio, September 10, 1863.*

"Capt. N. MERION, *Warden Ohio Penitentiary:*

"SIR: In conformity with instructions from the Commissary-General of Prisoners, the prisoners of war confined in the Ohio penitentiary and at Camp Chase will not be allowed to receive any articles of either clothing or edibles without special orders from these headquarters, but will be confined to the fare provided by the proper authorities, and limited to a change of underclothing and one suit of outer garments. Should they have more in their possession it will be immediately removed.

"Permits to visit prisoners of war must be countersigned at these headquarters.

"JNO. S. MASON,
"*Brigadier-General.*"

Under date of September 16, 1863:

Copy of order by warden:

"OFFICE OHIO PENITENTIARY, *Columbus, September 16, 1863.*

"On and after this day the steward will be permitted to purchase, for the use of the rebel prisoners of war, postage stamps, stationery, candles, tobacco, and sanitary necessaries ordered by the physician.

"N. MERION,
"*Warden, &c.*"

Copy of order to inspect prisoners:

"HEADQUARTERS U. S. FORCES, *Columbus, Ohio, September 16, 1863.*

"Mr. N. MERION, *Warden Ohio Penitentiary:*

"I send Lieutenant Judkins to inspect the prisoners for the purpose of ascertaining their wants as to clothing.

"Your obedient servant,

"JNO. S. MASON,
"*Brigadier-General.*"

Under date of November 3, 1863, is the following entry:

The directors and warden have requested General Mason to receive the funds belonging to the rebel prisoners of war here, and, through the agency of U. S. officers of his appointment, to disburse them, to guard them at meal time, and to attend to their medical treatment, subject as far as possible to the rules of this prison.

Copy of notice from General Mason:

"HEADQUARTERS U. S. FORCES, *Columbus, Ohio, November 4, 1863.*

"Mr. N. MERION, *Warden Ohio Penitentiary:*

"SIR: I send Sergt. J. W. Moon as prison steward.

"Your obedient servant,

"JNO. S. MASON.
"*Brigadier-General.*"

There are many other entries in this book, but the foregoing give as fair an idea of the treatment and general control of the prisoners as can be derived from this record, and we deem it much more reliable and worthy of credit than any statement which can now be made from witnesses who trust to memory in giving detailed statements of what they saw or heard at a previous time, of which no record was made at the time.

The following are copies of papers furnished by Col. William Wallace, at present in command at this post, as bearing upon the subject.

Copy of telegram from Col. William Wallace to Brigadier-General Mason:

COLUMBUS, OHIO, *November 28, 1863.*

Brig. Gen. JOHN S. MASON, *Steubenville, Ohio:*

General John Morgan and six officers have escaped. Please let me know what instructions Lieutenant Judkins gave to Sergeant Moon as regards the inspection of the cells.

WM. WALLACE,
Colonel Fifteenth Ohio Volunteer Infantry, Commanding.

The following is a copy of General Mason's reply:

STEUBENVILLE, OHIO, *November 30, 1863.*

Col. WILLIAM WALLACE, *Columbus, Ohio:*

SIR: In reply to your telegram of Saturday I have the honor to inform you that no instructions were given to Sergeant Moon by Lieutenant Judkins with reference to the inspection of cells in the Ohio penitentiary. I have thought it proper to give you a full history of the confinement of prisoners of war in the Ohio penitentiary. Morgan and his officers were turned over by me to the warden of the Ohio penitentiary for safe-keeping, in July last. After that time the military authorities only pretended to have control over the letters and articles of clothing, &c., they should receive and send, and also decide who might visit them. Such number of men for guard was furnished as the warden from time to time might require. The disposition of the guard and the times the prisoners might be allowed out of their cells, in fact everything relating to their safe-keeping was in the hands of and under the control of the warden exclusively.

During the month of October, I think, I met the directors of the prison and suggested the propriety of sending one of our physicians to attend the prisoners and also to appoint one of our sergeants as prison steward, to take the duties of their steward, Barcus. I sent Doctor Bailey as surgeon and Sergeant Moon as steward. I had Sergeant Moon selected as a trustworthy and reliable soldier. I gave him his instructions that he was to receive all communications either for myself or the warden; all letters the prisoners might desire to send; to return such articles to them as might be authorized from my office, and none other; to keep an eye to all irregularities and report them to the warden; to see that the cells were in order, and that the guards were attentive to their duties; to conduct the prisoners to and from their meals, and allow no communication with them. He had nothing to do with the locking or unlocking of their cells or as to the time they should be in or out of them. The usual routine of duties of the keepers of the prison was in no way interfered with. All of the arrangements were so complete that I cannot conceive how prisoners could escape without aid from the outside. They were locked up at 5 o'clock p. m. and remained in their cells until after 7 o'clock a. m. During the day they were constantly under the eye either of the guard, the steward, or one of the prison keepers. All soldiers employed in and about the prison were under the orders of the warden of the penitentiary.

I have written this letter that you may know who was or who was not responsible for the safety of the prisoners, and that in the investigation full justice may be done to all parties. I think a full and searching investigation is demanded, for there must have been some bribery and corruption.

The officers of my staff were not authorized to give orders with reference to the prisoners, and none were given by them.

Your obedient servant,

JNO. S. MASON,
Brigadier-General.

Letter of Colonel Wallace to General Wright:

HEADQUARTERS U. S. FORCES, *Columbus, Ohio, December 6, 1863.*

Brig. Gen. GEORGE B. WRIGHT:

SIR: In compliance with your request I have the honor to make the following report of my administration of the command of the U. S. forces at Columbus, Ohio, previous to and during the escape of General John Morgan and six other rebel officers, prisoners of war, confined in the Ohio penitentiary.

Brig. Gen. John S. Mason left this post on the 25th day of November, 1863, having been ordered to San Francisco without having been relieved by any officer appointed to relieve him. As ranking officer I took charge of his headquarters until such time as his successor should arrive. I found that General Mason had charge of the fund belonging to the rebel officers confined in the Ohio penitentiary, that he furnished a guard for them at meal time, and provided their medical treatment, and that this arrangement had been made at the request of the directors and warden of the penitentiary, November 2, 1863, a copy of which, marked A, is herewith inclosed.

Lieutenant Judkins, of General Mason's staff, was disbursing officer of the fund referred to above, and had charge of all letters passing to and from the prisoners. I immediately appointed Capt. R. Lamb, of the Eighty-eighth Ohio Volunteer Infantry, to relieve Lieutenant Judkins of these duties. No change was made, and as far as my authority extended I conformed strictly to the regulations before followed. It has been the rule at Camp Chase and at the penitentiary to permit interviews between a prisoner and his near relatives when sick, if the relatives be loyal and come so recommended. On November 26, 1863, Mrs. Lucy Dorsey, of Carlisle, Ky.,

indorsed by the provost-marshal of her district, and with a letter from Brigadier-General McLean, of Cincinnati, indorsing Mrs. Dorsey's loyalty and claiming in her behalf the rule to permit near loyal relatives to see sick prisoners, and urgently desiring that I should grant Mrs. Dorsey the interview she desired with her brother, Capt. T. S. Morgan, then sick in hospital. Having sent to the surgeon in charge to know the condition of Captain Morgan, he certified that he had been sick in hospital and had not recovered. The original certificate is herein inclosed, marked B. I then wrote a note to Captain Merion permitting the interview, not to exceed half an hour, a copy of which note is herein inclosed, marked C.

On the morning of the 28th of November, about 7 o'clock, I received a note from N. Merion, warden of the penitentiary, notifying me that seven rebel prisoners had escaped from him during the night. His note, marked D, is herein inclosed. I afterward understood General John Morgan was one of the number. Having telegraphed to the principal cities of the West and North notifying the chiefs of police of Morgan's escape, I dispatched Capt. R. Lamb and Lieutenant Goss, on duty at these headquarters, to the penitentiary to ascertain and report by what means the escape was effected. The means used by Morgan and his associates is well known to you. The affidavits of Captain Lamb and Lieutenant Goss as to a conversation with the warden in the presence of General Mason, about two weeks before General Mason was relieved, is [are] also inclosed, marked E [and F.]

I have the honor to be, general, very respectfully, your obedient servant,

WM. WALLACE,
Colonel Fifteenth Ohio Volunteer Infantry, Commanding.

The following are copies of the papers referred to in Colonel Wallace's letter:

A.

COLUMBUS, OHIO, *November 2, 1863.*

The directors and warden have requested General Mason to receive the funds belonging to the prisoners of war here, and, through the agency of U. S. officers of his appointment, to disburse them; to guard them at meal time, and to attend to their medical treatment, subject, as far as possible, to the rules of this prison.

HEADQUARTERS U. S. FORCES, *Columbus, Ohio, November 4, 1863.*

Mr. N. MERION, *Warden Ohio Penitentiary:*

SIR: I send you Sergt. J. W. Moon as prison steward.

Your obedient servant,

JNO. S. MASON,
Brigadier-General.

B.

U. S. ARMY (SEMINARY) HOSPITAL, *Columbus, Ohio, November 26, 1863.*

I certify that Capt. T. S. Morgan, prisoner of war, has been sick in hospital and has not yet recovered.

J. SYD. BAILEY,
Acting Assistant Surgeon, U. S. Army, Surgeon to Prisoners of War.

C.

HEADQUARTERS U. S. FORCES, *Columbus, Ohio, November 26, 1863.*

Captain MERION:

SIR: You will permit Mrs. Lucy Dorsey to have an interview with Capt. T. S. Morgan not to exceed one-half hour. Captain Morgan has been sick for some time.

WM. WALLACE,
Colonel Fifteenth Ohio Volunteer Infantry, Commanding.

D.

OHIO PENITENTIARY, *November 28, 1863.*

Colonel WALLACE:

SIR: Seven rebel prisoners escaped from here last night. They were reported locked up by Sergeant Moon, but were not in their cells at the time. They undoubtedly hid out in the yard and scaled the wall with rope ladders. There has been bribery somewhere.

Respectfully,

N. MERION,
Warden.

E.

STATE OF OHIO, *County of Franklin, ss:*

I certify on honor that on this 7th day of December, 1863, personally appeared before me, Frederick J. Fay, a notary public in and for the county of Franklin and State of Ohio, Robert Lamb, who, being by me duly sworn, deposes and says that he is captain of Company F, of the Eighty-eighth Regiment of Ohio Volunteer Infantry; that he was present at the Ohio penitentiary, in the city of Columbus, Ohio, on Saturday morning, the 28th day of November last, in company with General George B. Wright, Lieut. Mark W. Goss, and Nathaniel Merion, the warden of said penitentiary, at which time a conversation was had as to the escape of General John Morgan, in which conversation the said Merion, warden as aforesaid, stated that it would never have occurred if the cells had been swept out daily. Lieutenant Goss inquired, "Why the sweeping was dispensed with?" Said warden replied, "One of the directors said let the God-damned rebels clean their own cells;" and that thereupon Mr. Heavy, the prison guard who had charge of that duty, was notified to stop it, and the prisoners were told they must sweep for themselves. Deponent further says that he was present at the examination of Sergeant Moon by Colonel Wallace, and said Moon's answers were, in effect, that he was sent to the penitentiary to act as steward to the rebel prisoners confined therein; that he, Moon, had received no orders to clean, sweep, or inspect the cells occupied by said rebel prisoners from General Mason or any of his staff; that he, Moon, had no authority or control over said prisoners, except as ordered by the warden of said penitentiary, and that the guard placed at the said penitentiary were entirely subject to said warden's orders.

ROBERT LAMB,
Captain Company F, Eighty-eighth Ohio Volunteer Infantry, and Aide-de-Camp to Col. William Wallace, Comdg. U. S. Forces, Columbus, Ohio.

Sworn to and subscribed before me this 7th day of December, 1863, at the city of Columbus aforesaid.

Witness my hand and seal of office.

FREDK. J. FAY,
Notary Public.

F.

STATE OF OHIO, *County of Franklin, ss:*

I certify that on this 7th day of December, 1863, personally appeared before me, Frederick J. Fay, a notary public in and for the county of Franklin and State of Ohio, Mark W. Goss, who, being by me duly sworn, deposes and says that he is first lieutenant in Company K of the Sixth Regiment Ohio Volunteer Cavalry; that he was present at the Ohio penitentiary, in the city of Columbus, Ohio, on Saturday morning, 28th day of November, 1863, in company with General George B. Wright, Capt. Robert Lamb, and Nathaniel Merion, the warden of said penitentiary, at which time a conversation was had as to the escape of General John Morgan, in which conversation the said Merion, warden as aforesaid, stated that it would never have occurred "if the cells had been swept out daily." Deponent inquired, "Why the sweeping was dispensed with?" Said warden replied, "One of the directors said let the God-damned rebels clean their own cells;" and that thereupon Mr. Heavy, the prison guard who had charge of that duty, was notified to stop it, and the prisoners were told they must sweep for themselves. Deponent further says that he was present at the examination of Sergeant Moon by Colonel Wallace, and said Moon's answers were, in effect, that he was sent to the penitentiary to act as steward to the rebel prisoners confined therein; that he, Moon, had received no orders to clean, sweep, or inspect the cells occupied by said rebel prisoners from General Mason or any of his staff; that he, Moon, had no authority or control over said prisoners, except as ordered by the warden of said penitentiary, and that the guard placed at the said penitentiary was entirely subject to said warden's orders.

M. W. GOSS,
First Lieutenant Company K, Sixth Ohio Volunteer Cavalry, on duty as Aide-de-Camp at Hdqrs. U. S. Forces, Columbus, Ohio.

Sworn to and subscribed before me at the city of Columbus, in said county and State, this 7th day of December, 1863.

Witness my hand and seal of office.

FREDK. J. FAY,
Notary Public.

G.

STATE OF OHIO, *County of Franklin, ss:*

I certify that on this 7th day of December, 1863, personally appeared before me, Frederick J. Fay, a notary public in aforesaid county, John W. Skiles, who, being by

me duly sworn, deposes and says that he is major of the Eighty-eighth Regiment Ohio Volunteer Infantry and provost-marshal of the city of Columbus, Ohio, and that about the 20th of November, 1863, this deponent was in conversation with General Mason and that Nathaniel Merion, warden of the Ohio penitentiary, approached. This deponent asked the question of said warden if he could not lessen the guard on the outer wall, that we were hard pressed for duty men. Merion replied that if he was to be held responsible for the safety of the rebel officers he could not spare any men. General Mason at once agreed that none of the men should be relieved. Deponent further says that all details of guards for said prison were ordered by me, verbally, to report to said Merion for instructions.

JOHN W. SKILES,
Major Eighty-eighth Ohio Vol. Infantry, Provost-Marshal City of Columbus.

Sworn to and subscribed before me, at the city of Columbus, in said county and State, this 7th day of December, 1863.

Witness my hand and seal of office.

FREDK. J. FAY,
Notary Public.

Sworn statements of Sergeants Moon and Gonce:

STATE OF OHIO, *County of Franklin, ss:*

I certify that on this 7th day of December, 1863, personally appeared before me, Frederick J. Fay, a notary public in and for said county and State, Jesse W. Moon, who, being by me duly sworn, deposes and says that he is a sergeant of Company F of the Eighty-eighth Regiment of Ohio Volunteer Infantry; that about the 3d or 4th day of November last past, as near as this deponent can remember, he was sent by the order of General Mason, through Major Skiles, to the Ohio penitentiary to act as steward to the rebel prisoners confined therein. Deponent had a note from General Mason to Nathaniel Merion, the warden of said penitentiary, informing said warden who he was and directing said warden to admit him. This note contained no orders or instructions as to the duty of this deponent. Deponent's instructions were received verbally from General Mason. They were as follows: That this deponent was to lock up said rebel prisoners in their cells at night and unlock said cells in the morning, to take said prisoners to their meals, and to purchase such things for them as were allowed, tobacco or stationery (for anything else an order from the surgeon, Doctor Bailey, was necessary), to see to the rations of said prisoners, and see that they drew them regularly every ten days. General Mason also directed deponent to have an eye to the guard on the outside wall of said penitentiary, that they performed their duty faithfully, although there was another sergeant of that guard, and this deponent's principal duty was the charge of the guards inside of the said penitentiary. Deponent was not instructed to sweep the cells occupied by said prisoners or to have them swept. Said warden gave this deponent instructions when he first went to said penitentiary how to lock and unlock the cells, what articles said prisoners were allowed, and so forth. Said warden afterward from time to time cautioned this deponent to be careful. When said prisoners wanted anything not allowed by the orders, for instance, when they wanted their clothes or boots mended, deponent was in the habit of applying to said Merion, the warden as aforesaid, for his permission. Some times said warden would give his permission, and at other times refuse it.

J. W. MOON,
Sergeant, Company F, Eighty-eighth Ohio Volunteer Infantry.

Sworn to and subscribed before me, at the city of Columbus, in said county and State, this 7th day of December, 1863.

Witness my hand and seal of office.

FREDK. J. FAY,
Notary Public.

STATE OF OHIO, *County of Franklin, ss:*

I certify that on this 7th day of December, 1863, personally appeared before me, Frederick J. Fay, a notary public in and for said county and State, John A. Gonce, who, being by me duly sworn, deposes and says that he is a sergeant of Company C of the Ninth Regiment of Michigan Volunteer Infantry; that about the 1st of October last this deponent was sent by the verbal order of Major Skiles to take charge of the outside guard at the Ohio penitentiary, said order being given to this deponent through Sergeant Horne. Deponent never received any instructions in writing. Sergeant Lewis, who preceded this deponent, gave deponent the orders verbally, which were in force, and related to the posting of the guard. Deponent had at that time nothing to do with the inside of said penitentiary. About the 1st of November last deponent was placed in charge of the whole guard of said penitentiary, and has been acting in that capacity since that time, and posted the guard

inside of said penitentiary. Deponent had nothing to do with sweeping, cleaning, or inspecting the cells of the rebel prisoners confined in said penitentiary, or guarding the prisoners to and from their meals. Deponent considered the said rebel prisoners under the charge of the said Nathaniel Merion, the warden of said penitentiary, and that this deponent was as much under the orders of said Merion, warden as aforesaid, in regard to all control or guarding of said rebel prisoners, as he was under the orders of Major Skiles, if not more.

JOHN A. GONCE,
Sergeant, Company C, Ninth Michigan Volunteer Infantry.

Sworn to and subscribed before me at the city of Columbus, in said county and State, this 7th day of December, 1863.

Witness my hand and seal of office.

FREDK. J. FAY,
Notary Public.

The following affidavits of Jesse E. Watson and Milo H. Scott, regular penitentiary guards, and of Julius J. Wood, director, and Nathaniel Merion, warden of the penitentiary, have been handed to me.

Affidavit of Jesse E. Watson follows.

STATE OF OHIO, *County of Franklin, ss:*

Jesse E. Watson, of the city of Columbus, Franklin County, State of Ohio, being duly sworn, deposes and says as follows: I am one of the guards of the Ohio penitentiary, situate at Columbus, and since about the 1st of October, 1863, have been assigned to duty as night watch. The duty of said night watch is as follows: He goes in about 5 o'clock p. m., after the prisoners are all locked in their cells, and passing around with a light inspects each cell through the grated door, seeing the occupant is within, and, counting the number, reports the same at the guard-room of the penitentiary. Shortly after 6 o'clock p. m. he passes round again and directs the filling of the water buckets of the prisoners through the bars of the cell door. At 9 o'clock he again passes round to direct that the prisoners' lights in cells all to be extinguished. At 11 o'clock p. m., 2 o'clock a. m., and 4 o'clock a. m. he again passes round quietly with a light in his hand, which he holds close to the cell door, to see if the convict is within and quiet, and counting the number thus seen each time. The rest of the time during the night, until the hour of 6 o'clock a. m., is spent in the halls about the blocks of the cells, walking about and watching generally, the guard or watch being in said halls constantly. On the night of November 27, 1863, I went on duty as usual at 5 o'clock p. m. My place has been, since acting as night watch, the most easterly block of cells, in the south side of which the rebel General John H. Morgan and the other rebel officers were confined. On the night aforesaid I discharged the usual routine of duties as above described. I counted the said rebel prisoners at the first round, reported the number, found it correct, gave them their water at the usual time, ordered lights out, seeing them each one in his cell at the time, made my usual round with the lamp at 11 o'clock, 2 o'clock, and 4 o'clock, found everything as usual in cell, counted, as I supposed, a man in each of said rebel cells, heard no noise or disturbance of any sort soever, and it was not until the day guards came in the morning of November 28 that I even imagined that the said rebel prisoners were not safely in their cells. I afterward saw in their beds, in said cells, stuffed images which had been placed therein to deceive me and which, in my rounds, I had mistaken for the men themselves wrapped up in their bedclothes. Everything was very quiet all the night of said November 27. Entire stillness almost always prevails about said cells and halls during the night, and the least noise or jar is immediately and distinctly heard anywhere in the hall, and it would be impossible, I think, for any prisoner to cut, saw, dig, pound, scrape, or attempt anything of that kind without being immediately heard and discovered by the night watch, and that it was perfectly impossible for said rebel prisoners to have excavated the holes in their cell floors which they did dig, in any of them during the night season, when I was on duty as aforesaid, without being heard and discovered by me. And I further declare that, during all the time I so watched them at night, as aforesaid, I never heard any noise of such digging or discovered anything about them or their behavior in their cells at night to create suspicion or even to arouse extra attention. And further this affiant saith not.

JESSE E. WATSON.

Sworn to before me and subscribed in my presence this December 8, 1863.

Witness my hand and seal of office.

J. WILLIAM BALDWIN,
Notary Public, Franklin County, Ohio.

Affidavit of Milo H. Scott follows.

STATE OF OHIO, *Franklin County, ss:*

Milo H. Scott, of the city of Columbus, Franklin County, State of Ohio, being duly sworn, deposes and says as follows: I am one of the guards employed within the Ohio penitentiary by Nathaniel Merion, the warden thereof, and for a time previous to the 4th of November, 1863, my special duty was the care and control, under the directions of said warden, of the rebel General John H. Morgan and other rebel officers therein confined. I unlocked their cells in the morning, conducted them to their meals, overlooked the sweeping and cleaning of said cells by the party of State convicts employed for that purpose, remained with said prisoners during the day, locked them in their cells at night, and reported their number and condition at the guard-room of said penitentiary every night. On the morning of said 4th of November, 1863, I went to the office of said penitentiary, saw the warden, Merion, who told me that the military authorities at Columbus had taken the charge of said rebel prisoners, and that he, the warden, was no longer to manage or guard them, and gave me to understand that I should not be needed longer, as the military were that day to send one or two sergeants who were to attend to them and discharge generally the duty I had theretofore engaged in. Said warden, however, further told me that he thought the sergeants appointed to take charge of said prisoners would not understand precisely the mode of management and care necessary to be taken with said prisoners in unlocking them from their cells, and locking them up; and said that I had better go with them and keep them for a while, until they learned said duties and the usual mode of discharging them. Soon afterward one of the sergeants (Moon by name) came to that part of the prison where said prisoners were confined, stated he was sent to take charge of them, and I then gave him all the instructions I could as to the general care and control of said prisoners, locking and unlocking their cells, conducting them to their meals, and gave up charge of said prisoners to him. The next morning, I think it was, another sergeant came (Gonce by name, I think) and assisted said Moon in the care of the prisoners. I continued with them a few days, until I thought they were sufficiently acquainted with their duties, when I was employed by said warden in other places. I had, however, the duty assigned me of overseeing the convicts detailed to take down and cleanse the night buckets and bring in coal for fires, and was thus obliged often to pass into the hall where said prisoners were in the daytime, but had no authority or control over them, nor had any guard of said prison. Frequently one of said sergeants (Gonce) would come late in the morning or be entirely absent, and then sometimes I aided said Moon in locking and unlocking said cells.

Affiant further says that previous to his being assigned to the charge of said prisoners he served as night watch in said penitentiary. The duty of said night watch is once in two hours during the night to pass around the range of cells noiselessly, wearing only their slippers, and with a lamp in the hand, held close to the grating of the cell door, to see if the prisoner is within and quiet. Everything about said halls and cells is kept very quiet and still, and the least jar or noise is most distinct, and affiant believes that it would be impossible for any prisoner or convict in any of said cells to saw, dig, pound, scrape, or attempt anything of the sort in the nighttime without being immediately heard and discovered by said night watch and night guard. And further this affiant saith not.

MILO H. SCOTT.

Sworn to and subscribed before me this December 8, 1863, as witness my hand and seal of office.

J. WILLIAM BALDWIN,
Notary Public, Franklin County, Ohio.

Affidavit of Julius J. Wood follows.

STATE OF OHIO, *Franklin County, ss:*

Julius J. Wood, being duly sworn, deposes and says as follows: I reside at the city of Columbus, Ohio, and am one of the directors of the Ohio penitentiary there situated. At a meeting of the directors of said institution held on the 3d day of November, 1863, the warden thereof, Nathaniel Merion, being present, John S. Mason, U. S. military commandant at Columbus, Ohio, attended and proposed to said directors to make a change in the management and care of the rebel officers confined in said penitentiary. Theretofore the warden and officers of said penitentiary had exercised care and control over them, and said Mason, for reasons then assigned, thought it better that they should be under the control of the military authorities at Columbus. It was then and there agreed between said Mason and said warden and directors that from and after said date said military authorities should take charge of said prisoners, attend upon them, procure such things as said authorities thought might be proper, besides the rations allowed by the prison rules, guard and look after

them generally, the prisoners, however, still to be kept in said penitentiary, food and washing, fuel and water to be provided by said warden, and after they were locked up in cells at night, the usual prison night watch to visit their cells in his usual rounds. Said Mason agreed to continue the guard at the outside gate, and the sentries in the hall fronting the ranges of cells, to appoint a surgeon, and some one to attend to all the wants of the prisoners. Affiant called said Mason's attention to the necessity of having reliable men to perform such duty, when said Mason said that he would put an officer in charge, and would have a sergeant there all the time, except at night after said prisoners were locked up in their cells. In pursuance of this agreement, said Mason on the next day, November 4, 1863, appointed a sergeant to the duty, who came to said prison and entered immediately upon the discharge of that duty, and had the full care and charge of said prisoners from that date, from the time they were let out of the cells in the morning until they were locked up again at night by said sergeant, and a surgeon who duly attended upon any who were ill or in the hospital. Neither affiant nor the officers of said penitentiary thenceforth considered the said prisoners under their control or charge, except so far as the night watching as aforesaid. The money belonging to said prisoners was also all paid over by said prison authorities to said Mason, or said officer placed in charge by him.

J. J. WOOD.

Sworn to before me and subscribed in my presence this December 8, 1863. Witness my hand and seal of office.

J. WILLIAM BALDWIN,
Notary Public, Franklin County, Ohio.

Affidavit of Nathaniel Merion follows:

STATE OF OHIO, *Franklin County, ss:*

Nathaniel Merion, of the city of Columbus, Franklin County, State of Ohio, being duly sworn, deposes and says as follows: I am the warden of the Ohio penitentiary, located at the city of Columbus, Ohio, wherein have been confined, for several months, the rebel General John H. Morgan and a number of rebel officers taken prisoners by the U. S. troops in Ohio in July, 1863. That previous to the 4th day of November, 1863, said prisoners were under the charge and control of affiant, and the officers of said penitentiary, by whom they were released from their cells in the morning, watched during the day, their cells cleaned, they taken back and forth to the prison dining-room, locked in the cells again at night, watched during the night, attended upon when ill, cared for and guarded generally, with the assistance and protection of two soldiers stationed as sentries, one at either extremity of the hall fronting said ranges of cells occupied by said prisoners, in the daytime, and a further military guard at the first entrance gate outside of said prison walls, furnished by the military authorities of Columbus. That some few days previous to the 3d day of November, 1863, affiant had held several conversations with General John S. Mason, U. S. military commandant at Columbus, regarding the management of said prisoners, in which for various reasons said Mason expressed the opinion that it would be expedient for the U. S. military authorities to take full charge and control of said prisoners. And in one of the last of said conversations affiant informed said Mason that the directors of said penitentiary were to have a meeting on the 2d and 3d days of November, 1863, and requested him to attend and make such arrangements for the future care of said prisoners as might be satisfactory. That accordingly said Mason attended at the meeting of said directors, held on the 3d day of November, 1863, at which affiant was present, and it was then and there agreed between said Mason and said directors that the general care, control, and management of said prisoners should thenceforth be assumed by the said military authorities at Columbus, or, as it was expressed, that said authorities should take "military charge of them" from and after that date. Said prisoners, however, were still to be kept in said penitentiary, but said prison authorities, thereafter, only to provide prison rations, and cook the same, wash clothing, &c., provide fuel, emptying and cleansing night buckets, and after said prisoners were locked in their cells for the night, reported at the prison guard-room and the military guard relieved from said hall, that the night watch of the prison should take that hall and those ranges of cells in his regular rounds and watching. That said Mason agreed expressly to give a U. S. military officer charge over them, to continue a sufficient guard in said hall and at the outside gate as before; to furnish one or two sergeants, who should unlock the cells in the morning, see that said cells were kept in order, conduct said prisoners to their meals in said dining-room; maintain the usual prison discipline and order during daytime and lock them in their cells again at night; and to make purchases of such small items of food, etc., for said prisoners with their own money as might seem proper to said military authorities, and to furnish a surgeon to attend upon such as should be ill or in the prison hospital, and who was to order such extras for their comfort as might be needed. That according to

said agreement, on the morning of the 4th day of November, said Mason sent to affiant, a sergeant of the name of Moon, of Eighty-eighth Regiment Ohio Volunteer Infantry—home guards—to take charge of said prisoners as aforesaid, who came to affiant for directions, where and how to proceed with his duty. Affiant then instructed said Moon in the management theretofore adopted in regard to said prisoners, as to unlocking cells, conducting to meals, care and examination of ceils, and the rules for discipline and behavior during the day, and the locking of the prisoners in the cells at night, charging said Moon especially that said prisoners would require continual and close watching. Said Moon went immediately to that part of said prison in which said rebel prisoners were and took charge of them and remained in such charge until the escape of John Morgan and others. Affiant directed the prison guard theretofore employed there to remain a few days and aid and instruct said Moon until he was able to lock and unlock said cells and to understand other duties of his charge. On the next day another sergeant came to aid said Moon, and said two sergeants thenceforth attended to said prisoners. Affiant withdrew his officer previously stationed there, and from that time employed none of the officers or guards of said prison continuously in said hall or about said prisoners except the watch at night and the necessary superintendence of convicts carrying fuel and cleansing night buckets. Occasionally, however, one of said sergeants would be absent or late, when one of the prison guards would assist the other sergeant in unlocking in the morning or locking up at night. That from and after said 3d day of November the care, control, and management of said rebel prisoners as aforesaid was conducted by said military authorities, a lieutenant appearing to be the superior officer in charge, said two sergeants generally opening the cells in the morning, attending during the day upon them, overseeing the care of said cells and conduct of the prisoners, and locking up at night, and reporting the number in cells or hospital at the prison guard-room after locking up time, two soldiers mounting guard all day at either end of said hall, a larger military guard outside the walls of prison at the gate, and a U. S. surgeon attending upon their sick. Affiant considered that from and after said 3d day of November, 1863, neither he nor the directors of said Ohio penitentiary had any further care of said prisoners than to furnish food, fuel, &c., as above stated, and to watch them at night when locked up in their cells, and from that date until the 28th of November affiant did not go even once in the daytime into that hall where the said prisoners were confined or to said cells, believing himself freed from all care and management of same and not considering it in the line of his duty to pay any further attention thereto. He often, however, passed through in the night, always finding his night watch at their posts and everything about said prisoners and cells quiet and in the usual order.

NATHANIEL MERION.

Sworn to before me and subscribed in my presence this December 8, 1863, as witness my hand and seal of office.

J. WILLIAM BALDWIN,
Notary Public, Franklin County, State of Ohio.

We present the foregoing testimony as we received it. We were not present at the examinations, and it will be seen that much of it is not directly pertinent to our inquiries.

From the foregoing and our personal examinations and inquiries we are led to the following conclusions:

First. Had the clear and distinct instructions given to the warden in Your Excellency's note of July 30, 1863, been faithfully followed, no conflict of jurisdiction or escape could have occurred.

Second. That with proper vigilance on the part of the guards within the walls of the penitentiary, and a daily or even weekly inspection of the cells occupied by the prisoners of war, no escape could have been made.

Third. That the omission to make frequent and careful inspection of the cells arose from a want of definite and clear understanding between the military and prison authorities as to the guard and inspection.

Fourth. It is evident that the prisoners made great complaint of their confinement in a place designed for convicts only, and in the attempt to treat them as prisoners of war and grant them indulgences not allowed to convicts discrepancies and embarrassments would arise between the military and prison authorities.

Fifth. This would have been avoided and the escape prevented by the adoption of clear and distinct written orders and regulations by the military commander and the warden of the penitentiary, and the warden left to enforce their provision.

All of which is respectfully submitted.

GEO. B. WRIGHT,
Brigadier-General and Quartermaster-General of Ohio.
B. F. HOFFMAN,
Private Secretary.

RICHMOND, *December 7, 1863.*

To the SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:*

* * * * * * *

EXCHANGE OF PRISONERS.

I regret to inform you that the enemy have returned to the barbarous policy with which they inaugurated the war, and that the exchange of prisoners has been for some time suspended. The correspondence of the commissioners of exchange is submitted to you by the Secretary of War, and it has already been published for the information of all now suffering useless imprisonment.† The conduct of the authorities of the United States has been consistently perfidious on this subject. An agreement for exchange in the incipiency of the war had just been concluded when the fall of Fort Donelson reversed the previous state of things and gave them an excess of prisoners. The agreement was immediately repudiated by them and so remained until the fortune of war again placed us in possession of the larger number. A new cartel was then made and under it, for many months, we restored to them many thousands of prisoners in excess of those whom they held for exchange, and encampments of the surplus paroled prisoners delivered up by us were established in the United States, where the men were enabled to receive the comforts and solace of constant communication with their homes and families.

In July last the fortunes of war again favored the enemy, and they were enabled to exchange for duty the men previously delivered to them against those captured and paroled at Vicksburg and Port Hudson. The prisoners taken at Gettysburg, however, remained in their hands, and should have been at once returned to our lines on parole to await exchange. Instead of executing a duty imposed by the plainest dictates of justice and good faith, pretexts were instantly sought for holding them in permanent captivity. General orders rapidly succeeded each other from the bureaus at Washington, placing new constructions on an agreement which had given rise to no dispute while we retained the advantage in the number of prisoners. With a disregard of honorable obligations almost unexampled the enemy did not hesitate, in addition to retaining the prisoners captured by them, to declare null the paroles given by the prisoners captured by us in the same series of engagements and liberated on condition of not again serving until exchanged. They have since openly insisted on treating the paroles given by their own soldiers as invalid, and those of our soldiers given under precisely similar circumstances as binding. A succession of similar unjust pretentions has been set up in a correspondence tediously prolonged, and every device employed to cover

* For portions here omitted see Series IV. † See December 5, p. 654.

the disregard of an obligation which, between belligerent nations, is only to be enforced by a sense of honor. No further comment is needed on this subject, but it may be permitted to direct your special attention to the close of the correspondence submitted to you, from which you will perceive that the final proposal made by the enemy, in settlement of all disputes under the cartel, is that we shall liberate all prisoners held by us without the offer to release from captivity any of those held by them. In the meantime a systematic and concerted effort has been made to quiet the complaints in the United States of those relatives and friends of the prisoners in our hands who are unable to understand why the cartel is not executed in their favor by the groundless assertion that we are the parties who refuse compliance. Attempts are also made to shield themselves from the execration excited by their own odious treatment of our officers and soldiers, now captive in their hands, by misstatements, such as that the prisoners held by us are deprived of food. To this last accusation the conclusive answer has been made that in accordance with our law and the general orders of the Department the rations of the prisoners are precisely the same, in quantity and quality, as those served out to our own gallant soldiers in the field, and which has been found sufficient to support them in their arduous campaigns, while it is not pretended by the enemy that they treat prisoners by the same generous rule. By an indulgence, perhaps unprecedented, we have even allowed the prisoners in our hands to be supplied by their friends at home with comforts not enjoyed by the men who captured them in battle. In contrast to this treatment the most revolting inhumanity has characterized the conduct of the United States toward prisoners held by them. One prominent fact, which admits no denial nor palliation, must suffice as a test. The officers of our army, natives of Southern and semi-tropical climates, and unprepared for the cold of a Northern winter, have been conveyed for imprisonment during the rigors of the present season to the most northern and exposed situation that could be selected by the enemy. There, beyond the reach of comforts, and often of even news from home and family, exposed to the piercing cold of the Northern Lakes, they are held by men who cannot be ignorant of, even if they do not design, the probable result. How many of our unfortunate friends and comrades, who have passed unscathed through numerous battles, will perish on Johnson's Island, under the cruel trial to which they are subjected, none but the Omniscient can foretell. That they will endure this barbarous treatment with the same stern fortitude that they have ever evinced in their country's service we cannot doubt. But who can be found to believe the assertion that it is our refusal to execute the cartel, and not the malignity of the foe, which has caused the infliction of such intolerable cruelty on our own loved and honored defenders?

* * * * * * *

JEFFERSON DAVIS.

ENTERPRISE, *December 7, 1863.*

General S. COOPER,
Adjutant and Inspector General, Richmond:

I have written you on the subject of the construction of the language of the parole given by our prisoners. It is desirable the Government should decide how far they are subject to military duty and of what kind. This is necessary to discipline and should be done at once.

Can they be armed and drilled and made to police their own encamp ment, and can officers serve on court-martial for paroled prisoners?

L. POLK,
Lieutenant-General.

By the President of the United States of America:

A PROCLAMATION.

Whereas, in and by the Constitution of the United States it is provided that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;" and

Whereas, a rebellion now exists, whereby the loyal State governments of several States have for a long time been subverted and many persons have committed and are now guilty of treason against the United States; and

Whereas, with reference to said rebellion and treason laws have been enacted by Congress declaring forfeitures and confiscations of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas, the Congressional declaration for limited and conditional pardon accords with the well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves; and

Whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States and to reinaugurate loyal State governments within and for their respective States: Therefore,

I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation and shall be of the tenor and effect following, to wit:

"I, ——— ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the union of the States thereunder, and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court, and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called Confederate Government above the rank of colonel in the Army or of lieutenant in the Navy; all who left seats in the U. S. Congress to aid the rebellion; all who resigned commissions in the Army or Navy of the United States and afterward aided the rebellion, and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the U. S. service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or the Executive (when the Legislature cannot be convened) against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such State government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition, as a laboring, landless, and homeless class, will not be objected to by the national Executive.

And it is suggested as not improper that, in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained. And for the same reason it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally rests exclusively with the respective Houses, and not to any extent with the Executive, and still further, that this proclamation is intended to present the people of the States wherein the national authority has been suspended, and loyal State governments have been subverted, a mode in and by which the national authority and loyal State governments may be re-established within said States or in any of them; and while the mode presented is

the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington, the 8th day of December, A. D. 1863, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

WAR DEPARTMENT, *Washington, December 8, 1863.*

Maj. Gen. BENJAMIN F. BUTLER,
Commanding, &c., Fortress Monroe, Va.:

GENERAL: I am directed by the Secretary of War to inform you that your action in regard to supplying vaccine matter for the use of the Union prisoners at Richmond is approved by this Department.

Very respectfully, your obedient servant,

JAS. A. HARDIE,
Assistant Adjutant-General.

MEDICAL INSPECTOR-GENERAL'S OFFICE,
Washington, D. C., December 9, 1863.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: The following is an extract from a report of inspection of the prison and hospital at Camp Chase, near Columbus, Ohio, November 20, 1863, by Medical Inspector L. Humphreys, U. S. Army:

Prison hospital is in the same condition as last reported, except the wards are not so much crowded. The present number of patients is thirty, a large majority of whom are sick. The prevailing diseases in the wards are chronic diarrhea, typhoid-malarial fever, and erysipelas. The mortality in October was twenty-four, out of a daily average treated of thirty. Dr. G. W. Fitzpatrick, acting assistant surgeon, is in charge of the hospital and appears to be a competent and efficient man.

The mortality for the month of November is much diminished from what it was last month.

The prison hospital is inadequate to the wants of this place. A new temporary pavilion is in process of erection and will soon be complete for use of the prison hospital. The building is unfit and will not be comfortable when completed. I would again urge the erection of better hospitals for the prisoners here, as set forth in my special report made to the Inspector-General last month.

I have the honor to be, very respectfully, your obedient,

J. M. CUYLER,
Acting Medical Inspector, U. S. Army.

WASHINGTON, *December 9, 1863.*

General MEREDITH:

Do you know whether the Union citizens, prisoners in Richmond, share in the supplies sent forward for the relief of the prisoners? The supplies are intended for all the prisoners.

E. A. HITCHCOCK,
Major-General of Volunteers.

WASHINGTON, *December 9, 1863—12 m.*

General MEREDITH:

Please state your knowledge or your belief as to whether our prisoners at Belle Isle are provided with shelter, either barracks, tents, or shelter of any kind.

E. A. HITCHCOCK,
Major-General of Volunteers.

FORT WARREN, *December 9, 1863—5.50 p. m.*

Maj. Gen. E. A. HITCHCOCK:

My belief is that our prisoners on Belle Isle are in tents. I have requested Mr. Ould to share the clothing and subsistence sent by the Government with our citizen prisoners. I have no doubt it has been done.

S. A. MEREDITH,
Brigadier-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 9, 1863.

Maj. Gen. B. F. BUTLER:

SIR: The package of vaccine matter has been received, and will be faithfully devoted to the purpose indicated in your letter. Permit me, in response to the friendly tone of your letter, to assure you that it is my most anxious desire and will be my constant effort to do everything in my power to alleviate the miseries that spring out of this terrible war.

I have the honor to be, very respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 9, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Permit me, in response to the friendly tone of your letter of the 7th instant, to assure you that it is my most anxious desire and will be my most constant effort to do everything in my power to alleviate the miseries that spring from this terrible war.

I have the honor to be, very respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

EXECUTIVE MANSION,
Washington, December 10, 1863—10.25 a. m.

Major-General BUTLER, *Fort Monroe, Va.:*

Please suspend execution in any and all sentences of death in your department until further order.

A. LINCOLN.

HEADQUARTERS GREEN'S CAVALRY DIVISION,
Vermilionville, December 10, 1863.

Col. E. L. MOLINEUX, U. S. Army, *Commissioner, &c.:*

COLONEL: The general commanding directs me to say that he is in receipt of a communication from Maj. W. M. Levy, assistant adjutant and inspector general, Major-General Taylor's staff, stating that he has been appointed commissioner of exchange and that he will be down as soon as the lists of prisoners in our hands can be made out. I look for him this evening or to-morrow morning, and will notify you at once. He has suggested that the prisoners be moved toward this point at once. Papers and heavy document for Colonel Major duly received.

Your obedient servant,

E. R. WELLS,
Captain and Assistant Adjutant-General.

OHIO PENITENTIARY, CELL NO. 7, *December 10, 1863.*

Hon. DAVID TOD, *Governor:*

I have been requested by my fellow-officers to address you upon the subject of the harsh and rigorous treatment to which we have been subjected since, and I presume in consequence of, the recent escape of General Morgan. Since the beginning of this unfortunate war I believe we are the only prisoners who have been confined in a penitentiary and subjected to the ordinary discipline of convicts. General Burnside believed, and so stated to us, that Colonel Streight and the officers of his command were similarly situated in the South, and as long as this appeared to be the case we had, perhaps, no reason to complain. It is now more than three months since the announcement of Colonel Streight's release was made by authority in the Washington newspapers. In an official communication to General Morgan, dated Cincinnati, July 30, 1863, General Burnside distinctly declares that we shall be restored to the ordinary footing of prisoners of war upon the release of Colonel Streight and his officers. It would seem, therefore, that previous to General Morgan's escape we were entitled at all events to be removed to a military prison, and I cannot discover upon what principle his escape ought to affect the question so far as we are concerned. Instead, however, of fulfilling the promise of General Burnside in our behalf, the authorities, whether civil or military, have suddenly deprived us of every mitigating feature in our condition, bad enough, and in our judgment unjust, as it was before. I can conceive of but one motive that could possibly dictate such an extraordinary punishment—that it is necessary to secure our safe-keeping—for it is not possible for a moment to suppose that the authorities desire to punish us because we did not betray our comrades and our commanding officer.

We recognize clearly and distinctly your right and your duty to take such precautions as you may deem necessary to secure our safe-keeping, under such restrictions, however, as are imposed by the general voice of mankind, and which cannot be justly disregarded. Is solitary confinement necessary to secure our safe-keeping? I am authorized to say that every one of my comrades is willing to give his parole of honor not to attempt to escape. But aside from this, it was not the liberty allowed us but the gross negligence of the civil officers in charge that rendered escape practicable. Vigilance would render escape impossible quite as effectually without as with solitary confinement. There

are men confined in this penitentiary, men who have been convicted of every crime known to our laws, and yet the basest and vilest among them the law of the land exempts from such punishment as ours. Who are we, how different from ordinary men, or of what crime are we guilty, that we are put beyond the pale of civilized warfare, the utmost limit of law overleaped to inflict upon us a punishment at variance with and abhorrent to the moral sense of mankind? To the cruelty of solitary confinement must be added excessive cold and every other discomfort. The surgeon will tell you that he cannot venture to give us such medicines as we frequently need. The ordinary privations and confinement to which prisoners of war are subjected we are willing to accept, and cheerfully submit to, as incident to the fortune of war. We protest only against unjust and unnecessary cruelty.

Since the beginning of the war more than 30,000 prisoners have been captured by this command. They have been treated always with kindness—never with inhumanity. They may sometimes have wanted for food and shelter, but not more so than ourselves. In a word, we have never failed to do by them as we have done by ourselves. It is the motive that gives to every act its quality of right or wrong. I have addressed this communication to you because we have been informed that it lies within your province to correct the evil of which we complain, and I cannot refrain from expressing the hope that you will not definitely decide the question without that careful consideration which its importance to us demands, and that kindly feeling which, within my own observation, you have on more than one occasion shown to prisoners of war.

I have the honor to be, Your Excellency's very obedient servant,

HART GIBSON,
Captain and Assistant Adjutant-General, Morgan's Division.

[First indorsement.]

Respectfully forwarded to Col. William Hoffman, commissary of prisoners, with the urgent request that he give the matter his immediate attention.

DAVID TOD,
Governor.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 18, 1863.

Respectfully referred to the Secretary of War.

It is thought advisable to remove these officers from the penitentiary. They can be placed in one of the small prisons at Camp Chase by transferring to another camp the prisoners which it now holds.

W. HOFFMAN,
Colonel Third Infantry, Commissary-General of Prisoners.

[Third indorsement.]

WAR DEPARTMENT, *December 20, 1863.*

Respectfully referred to Major-General Hitchcock, commissioner for exchange, for remark.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Fourth indorsement.]

DECEMBER 22, 1863.

I do not recommend any change of locality for these prisoners.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Fifth indorsement.]

WAR DEPARTMENT, *December 22, 1863.*

Respectfully returned to the Commissary-General of Prisoners, with reference to the above indorsement by Major-General Hitchcock.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
December 11, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: As the assent of the Confederate Government to the transmission by your authorities and people of food and clothing to the prisoners at Richmond and elsewhere has been the subject of so much misconstruction and misrepresentation, and has been made the occasion of so much vilification and abuse, I am directed to inform you that no more will be allowed to be delivered at City Point. The clothing and provisions already received will be devoted to the use of your prisoners. When that supply is exhausted they will receive the same rations as our soldiers in the field.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS FIRST CAVALRY DIVISION,
Vermilionville, December 11, 1863.

Col. E. L. MOLINEUX, *Commissioner of Exchange:*

COLONEL: Major Levy, commissioner of exchange, has arrived, and proposes to meet you to-morrow morning at the Boutte place, in accordance with your wishes expressed in your communication of yesterday.

I am, colonel, your obedient servant,

E. R. WELLS,
Captain and Assistant Adjutant-General.

Will be down to-morrow morn between 10 and 11 o'clock.

WAR DEPARTMENT, *Washington, December 11, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: It appears from a report of a recent inspection of the places of confinement at the West and Northwest for rebel prisoners of war that sutlers are permitted to trade with the prisoners at all points except Johnson's Island, and that at Camp Chase, Ohio, the sale of "gin," under the name of "schnapps," is allowed. Some 200 paroled Federal prisoners at Camp Chase are reported as being without a commander, the consequence of which is a laxity of discipline and general disorder.

It is further reported that at all these places inspected [there are] defective arrangements for cooking; large quantities of food and fuel are wasted.

The Secretary of War directs me to communicate these facts to you and to call upon you for such explanation thereof as you may have to offer.

Very respectfully, your obedient servant,

JAS. A. HARDIE,
Assistant Adjutant-General.

ENTERPRISE, MISS., *December 11, 1863.*

Commissioner OULD, *Richmond, Va.:*

You say we have declared exchanged those Vicksburg prisoners who have reported at Enterprise. May I ask whether these men were actually exchanged by the two Governments consenting or only declared exchanged by the Confederate Government on some construction of its rights in the existing condition of the question of exchanges? If the latter, what is that construction?

L. POLK.

DECEMBER 12, 1863.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to submit the following report of an inspection which I have just made, pursuant to your instructions, of forts on the eastern seaboard, with a view to selecting such ones as may be suitable for the confinement of prisoners of war.

I reached New York on Friday morning, and, after reporting at headquarters of the department and district, proceeded at once to Fort Schuyler, about twelve miles from the city, on Long Island Sound, which is under the command of Brevet Brigadier-General Brown, U. S. Army. The quarters for the garrison are fully occupied by officers and men, leaving none which could possibly be appropriated to prisoners. Four of the five fronts of the work have a double tier of casemates which are fully armed, and though they might be fitted up so as to be used for the reception of prisoners there are serious objections to this course. There are two guns mounted in each casemate which cannot be removed, and their carriages would be exposed to malicious injury by the prisoners even with every precaution to guard against it. The floors being of wood and very dry the prisoners would have it in their power to set fire to them and destroy the fort in spite of any vigilance on the part of the guards. A more weighty objection perhaps is the fact that it would be to a certain extent disarming the fort and thereby very much weakening the defense of the city of New York. If these objections to the use of the fort as a prison are not considered sufficiently serious to prevent a part of it being appropriated to this purpose, which, however, I am not prepared to say, two of its fronts may be fitted up at no great expense to receive 500 prisoners. The casemates would require to be furnished with bunks, each one having room enough between the guns and in the arches to accommodate thirty-six men; the front of the casemates would have to be closed in, windows being inserted, and it would be necessary to grate and glaze the embrasures. There is no hospital room, kitchens, or sinks inside the fort which could be used by prisoners, and these could only be provided by erecting suitable buildings

outside adjacent to the two fronts occupied, inclosing them by a substantial fence running from one salient to the other. Access to these buildings from the interior of the front could be had only through one of the lower tier of embrasures, which would have to be enlarged by cutting out the sill to the depth of 10 or 12 inches. As it is of concrete I presume this might readily be done; the fence on each front would be about 100 yards long; two kitchens 20 by 50 feet would be required, and a hospital 100 by 25 feet, the whole, including bunks, costing from $2,000 to $3,000. It would not be advisable to occupy more than two fronts of the work, as a greater number of prisoners than 500 would be more than the ordinary garrison of the fort could securely guard. The supply of water at the fort is limited, but it would probably be sufficient for the proposed number of prisoners.

After visiting Fort Schuyler I consulted Colonel Delafield, Engineer Corps, who is in charge of the forts in New York Harbor, as to the propriety of using any of them as military prisons. Assuming that the forts will not be immediately required for the defense of the harbor the chief objection which he suggested is the one I have already mentioned, viz, that it puts in the power of the prisoners to destroy or seriously injure the fort they occupy by fire. However remote this possibility may be it does exist, and it is a grave question whether such a risk should be taken if it is possible to avoid it.

I then visited Fort Columbus, on Governor's Island. The fort itself furnishes no room for prisoners, but in Castle Williams, an outwork of two tiers of guns in casemates and one of 15-inch guns in barbettte, the third floor of which consists of arched rooms for the garrison, some 500 prisoners may be accommodated. The floors are of wood, and though they may be set on fire there is less risk of it than at Fort Schuyler, as the prisoners occupy separate rooms. This castle is used at times for prisoners of war, but it is generally devoted to deserters from our Army, and I recommend that it continue to be so used and for prisoners under sentence.

There are at this time more prisoners at Fort Lafayette than can be accommodated there without interfering with the work of remounting the batteries with heavier guns, as has been ordered.

For some time past there has been a camp on Riker's Island, which is in the East River between the city and Fort Schuyler; but the camp is about being transferred to another island, and it offers an excellent location for a place of confinement for prisoners of a special character, which at this time is much needed. We have officers under special charges, blockade-runners, piratical cases, political prisoners, and women, all of whom should be kept separate from ordinary prisoners of war and from each other, and I respectfully recommend that a suitable prison be erected on this island of sufficient extent to receive 1,000 prisoners and so arranged as to be capable of enlargement if necessary. There are but two or three buildings on the island, which are now used as store-houses. I am informed by Major Van Vliet that it costs about $25 per man to erect barracks for soldiers in the vicinity of New York. A prison may, therefore, be expected to cost $25,000 to $30,000. Water is scarce upon the island, but if it cannot be supplied by cisterns receiving the water from the roofs it may be furnished by a water-boat.

On Saturday night I proceeded to Boston, but on Sunday I was only able to make arrangements to visit Fort Warren on Monday. Early on Monday morning I proceeded to the fort and examined its accommodations for prisoners, of whom there are now about 120 there; more

than half of them are occupying the officers' quarters, which is very objectionable, as this willfully injures the quarters very much, and besides compels our own officers to be restricted to a very scant allowance. They are immediately to be moved into four rooms designed for soldiers, which will accommodate 160 men. There are some basement rooms belonging to the officers' quarters, where some special cases are now confined and which can still be used for this purpose. They will receive from thirty to fifty.

There is quite an extensive building on the parade ground, now partly occupied by the engineers, which will very well quarter one company, and if it can be used for this purpose six of the casemate rooms may be vacated, which will afford room for the reception of 240 prisoners, thus making the whole number that can be accommodated between 400 and 500.

I was informed by Major Blunt, the engineer in charge of the work, through Captain McKim, the quartermaster in Boston, that the building referred to can conveniently be spared by his department, and I respectfully recommend that the arrangement suggested be authorized. The present garrison will suffice for the number of prisoners proposed.

I visited Fort Independence also, which lies between Fort Warren and the city of Boston. It is a small work and there is no part of it that is well adapted to receive prisoners, though if it were necessary eight or ten special cases might be taken care of there.

On Tuesday I visited Fort Adams, which is on a point of land in Narragansett Bay, about two miles by water from Newport, R. I. This is a very extensive work, but it has limited accommodations for the garrison, none of which could be made available for prisoners. There are more quarters for officers than are now required, but some of them are occupied by laundresses, and others leak so much as to make them uninhabitable. There are, however, twenty casemates which are not armed and are only occupied as store-rooms for gun carriages and for workshops; these could be fitted up to receive about 500 prisoners, five of them being used for hospital purposes. The floors are of heavy plank and are so very open that it would be necessary to calk them; windows would have to be made in the end of the casemate which is boarded in, and the embrasures would require grating and glazing. There is a gallery for guns below this range of casemates, part of which could be used as a kitchen; but the danger from fire would make this very objectionable. A kitchen might be constructed on the parade ground, but it would be much in the way and but a short distance from the magazine, where 500 barrels of powder are stored. The garrison consists of two companies of recruits of the Fifteenth Infantry and a few assignable recruits.

There are no sinks inside the forts which the prisoners could use and they would have to pass to them outside during the daytime and use tubs in their rooms at night. The extent of the work and the numerous openings into the casemates make it very convenient for prisoners on the outside to communicate with those within unless prevented by a strong and vigilant guard.

If prisoners of war are to be confined there the garrison should not be less than three full companies.

On Thursday I visited Fort Mifflin, on the banks of the Delaware, about seven miles below Philadelphia. It is a small work, having at present no place of confinement for prisoners but three bomb-proofs, which have no other ventilation than by the doors, one in each, and

small openings through the arches overhead. They are all entered through one door opening into halls which lead to them, and of course are dark and the air is very foul. There are seventy-five prisoners belonging to our Army in one, fifty-eight political prisoners arrested for resisting the draft and ordered there from Harrisburg by General Sigel in another, and eighty-two rebel prisoners in the third. They sleep on straw laid on the stone floor on each side of the room or vault, the arch springing from near the floor. There is a fireplace in each room at the end opposite the door, which enables them to have a fire that gives them light and heat and assists greatly in purifying the air. These bomb-proofs are unwholesome places for prisoners, and it is impossible to keep them in a proper state of police, but from necessity they may be used during the winter. Of the three classes of prisoners confined there the rebel prisoners are the only ones which properly come under my supervision, and they are of that doubtful class, probably deserters who have or wish to take the oath of allegiance, whose discharge cannot be safely recommended.

There is a gun-shed within the fort, now occupied in part as quarters for laborers and in part as a store-house for materials, which could be fitted up for prisoners and would accommodate about 200. It would be necessary to erect a shed kitchen, but the whole work would not cost over $500. The bomb-proofs need then be used only for the worst class of prisoners.

Should it be thought advisable to occupy the forts as prisons, there could be received at those which I have mentioned as follows:

Fort Warren, Boston Harbor	450
Fort Schuyler, Long Island Sound	500
Fort Adams, Newport	500
Castle Williams, Governor's Island, N. Y	500
Fort Lafayette, N. Y	50
Total	2,000

Except at Forts Schuyler and Adams little is to be done to prepare them for the reception of prisoners, and at the two named the expense in money of fitting them up would not be very heavy, but the unavoidable injury to the works, the possibility of serious damage by fire, the additional cost of transportation to Fort Adams, and the consideration that while so occupied the power of the forts for defensive purposes is greatly impaired. It would seem that the best policy and best economy would recommend the construction of a suitable prison on Riker's Island for the reception of at least 1,000 prisoners with barracks for a suitable guard.

While in Boston I called to see His Excellency Governor Andrew, to consult him as to the prisons in Massachusetts which might be used for the confinement of prisoners, but he was absent from the city. I found, however, Mr. Keyser, the marshal of the State, who has full information of the State and county prisons. From him I learned that the jail at Concord is the only one which can be made available. It is a substantial stone building having twenty rooms, which can accommodate from 100 to 150 prisoners. It is surrounded by a stone wall and would require a guard of one officer and thirty men. There is a provost-marshal in the town who could be placed in charge.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
December 12, 1863.

General H. W. HALLECK, *Commander-in-Chief U. S. Army:*

GENERAL: I have had the honor to receive your letter of the 7th instant, proposing to exchange all U. S. prisoners of war now in Richmond and its vicinity for equivalents according to the scale of the cartel, and to leave for future arrangement questions in regard to other prisoners of war held by either party. The cartel having been agreed upon by both parties to regulate the exchange of all prisoners I do not consider myself at liberty to depart from its provisions. I regret, therefore, that I am unable to accept your offer.

Very respectfully, your obedient servant,

R. E. LEE,
General.

FORT MONROE, *December 12, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

The flag-of-truce boat just in. They report that the rebels refuse to receive any more supplies. Mr. Barclay failed to get through. Will telegraph more at length if anything more of importance.

B. F. BUTLER,
Major-General, Commanding.

Brig. Gen. J. H. Winder incloses letter from Lieut. Col. J. F. Boyd, quartermaster, U. S. Army, prisoner at the Libby and a member of the Board of Distribution, refuting statements made in Northern papers relative to the non-delivery of the clothing.*

[Indorsement.]

DECEMBER 12, 1863.

Respectfully referred to Brigadier-General Meredith, agent of exchange.

RO. OULD,
Agent of Exchange.

FORT MONROE, *December 12, 1863—9 p. m.*

Maj. Gen. E. A. HITCHCOCK:

The rebels refuse to receive anything more for our prisoners at City Point. Will write to-morrow.

S. A. MEREDITH,
Brigadier-General.

HEADQUARTERS DEPARTMENT OF WEST TENNESSEE,
In the Field, December 12, 1863.

Maj. Gen. S. A. HURLBUT,
Commanding Federal Forces, Memphis, Tenn.:

GENERAL: I have the honor respectfully to state that information has just reached me that Capt. Frank B. Gurley is on trial in Nashville

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* Boyd's letter not found,

for the so-called murder of General McCook, and that further time has [been] granted him for the purpose of procuring evidence. As I was his commanding officer at the time of the occurrence I feel it my duty to forward you under flag of truce, and by the hands of my adjutant-general, Maj. J. P. Strange, the following statement of facts to show that Captain Gurley was then, and is yet, a Confederate soldier and officer, and that he should be treated and regarded as such: Captain Gurley was regularly mustered into the C. S. Army as a member of the Kelley Troopers, in July, 1861, which company formed a portion of my old regiment known as Forrest's regiment.

After the fall of Fort Donelson (from which place I escaped with my command) Captain Gurley was left sick at Huntsville, Ala., with orders from me to gather up all the men of my command; also with power and authority to raise [a] company of cavalry. This he did, and reported to me with his company in July, 1862. It was inspected and mustered into the service at Chattanooga, by my inspector-general and by my order, in the month just named. Hence Captain Gurley has been regularly in the service from July, 1861, to the time of his capture.

In November last his company with three others from my old regiment (all from Alabama) were consolidated with Russell's battalion, and formed what is known as Russell's or the Fourth Alabama Cavalry, which regiment served under me until the 21st of February, 1863, when it was transferred from my command to General Wheeler. These, general, are facts, and, when known, I confidently rely upon his being treated as a prisoner of war, and not as a guerrilla or robber.

My desire is to show the court, through you, that Captain Gurley has been from the beginning a soldier in the Confederate service, and I claim for him the treatment due to a prisoner of war. What may have been attributed to him by the press of the country, North and South, is one thing, but actual facts and the muster-rolls in the Department at Richmond is quite another. Major Strange, the bearer of this, has been with me in the service (as my adjutant) from the organization of my old regiment to the present time, and can, if you think proper to receive it, add his testimony to the facts as stated.

While communicating with you, general, on this subject, allow me to say that it is my purpose to drive guerrillas from the country. They must join the service regularly, on the one side or the other, otherwise be disbanded and driven off; and while I deplore the existence of such men and their lawless conduct, I desire respectfully to call your attention to facts self-evident and undenied. The charred walls of many dwellings have met my eyes. The naked chimneys and devastated premises of the now houseless and homeless is not calculated to soften the feelings of those engaged in this struggle, the merits of which, in its beginning, continuance, or end, the women and children of the country are in no wise responsible. It has ever been my desire to see this war conducted according to the rules of civilized warfare, and so far as I am concerned will so conduct it. At the same time I am determined to execute on the spot every house-burner and robber that may fall into my hands, whether he claims to be a Federal or a Confederate.

Hoping, general, that you view these matters as I do, I trust you will issue such orders and when disobeyed inflict such punishment as will prevent the destruction of houses and property of non-combatants. Whatever may be necessary for the use of troops, military necessity and military law authorizes to be appropriated, but the wanton destruction of the houses and dwellings of the people ought to be discontinued

and severely punished by every civilized or Christian commander. Major Strange, with his escort of twenty men, is instructed to wait your pleasure and bear any message or communication you may think proper to make.

Hoping that you will forward, without delay, to the proper authorities at Nashville the facts in regard to Captain Gurley, also that you will receive this communication in the spirit in which it is sent,*

I am, general, very respectfully, your obedient servant,

N. B. FORREST,
Brigadier-General, Commanding.

Cartel for the exchange of prisoners captured from the commands of Maj. Gen. W. B. Franklin, U. S. Army, and Maj. Gen. R. Taylor, C. S. Army, respectively.

BOUTTE'S,
Seven Miles above New Iberia, December 12, 1863.

The undersigned commissioners, appointed respectively by Maj. Gen. W. B. Franklin, U. S. Army, and Maj. Gen. R. Taylor, C. S. Army, to make arrangements for the exchange of prisoners of war captured from the commands of the above-mentioned officers, do hereby agree upon the following articles:

I. The officers and enlisted men shall be exchanged as soon as they can be brought under flag of truce to the former stage stand on the stage road between Vermilionville and New Iberia, about equidistant between these two places, in the following manner, viz: Officer for officer, according to their several grades; where either party has an excess of officers prisoners, the officers constituting such excess may, at the option of either party, be exchanged on the following terms, viz:

For a colonel, fifteen privates; lieutenant-colonel, ten privates; major, eight privates; captain, six privates; lieutenant, four privates; noncommisioned officer, two privates; private soldier for private soldier.

II. There being in the hands of Major-General Taylor, C. S. Army, an excess of prisoners belonging to the command of Major-General Franklin, U. S. Army, in order to expedite the exchange and delivery of said prisoners it is agreed that a list of those belonging to the command of Major-General Taylor shall be furnished at the earliest practicable moment to Major-General Taylor by Major-General Franklin.

III. In the event of no arrangements being made for the paroling and delivery of the excess of prisoners belonging to the command of Major-General Franklin it is agreed that such clothing and provisions as are necessary for the comfort of said prisoners which may be furnished by Major-General Franklin shall be received and be delivered to the said prisoners.

EDWARD L. MOLINEUX,
Colonel and Commissioner for Exchange of Prisoners in behalf of Maj. Gen. W. B. Franklin, U. S. Army.
WILL. M. LEVY,
Major and Commissioner for Exchange of Prisoners in behalf of Maj. Gen. R. Taylor, C. S. Army.

It is agreed and understood that should any casualty, such as death, sickness, or other unavoidable cause, prevent the delivery or exchange of any of the officers or soldiers enumerated above, if such casualty should occur on the part of the prisoners held by Major-General Taylor,

* For reply, see Series I, Vol. XXXI, Part III, p. 428.

other prisoners shall be substituted and delivered in lieu of the same. Should it occur on the part of those held by Major-General Franklin, the prisoners enumerated for the exchange with those who may not be delivered shall be still held by Major-General Taylor.

It is further agreed and understood that the above list, which is signed in duplicate, shall be verified by the officers charged with the delivery, and errors of misnomer and otherwise shall be corrected by such officers according to the spirit and intent of the cartel dated December 12.

Entered into by us as commissioners.

EDWARD L. MOLINEUX,
Colonel and Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. W. B. Franklin, U. S. Army.

W. M. LEVY,
Major and Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. R. Taylor, C. S. Army.

ENTERPRISE, *December 12, 1863.*

Commissioner OULD, *Richmond, Va.:*

A dispatch stating that "Grant had captured some of Pemberton's men at Chattanooga and telegraphed to Washington to know what to do with them," has created some apprehension in this camp.

These men were declared exchanged by Notices 6 and 7. Can there be any doubt of the Federal Government recognizing that declaration of exchange?

L. POLK,
Lieutenant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 12, 1863.

Lieut. Gen. L. POLK:

SIR: I send by Captain Thomson the lists which were forwarded to me by Major-General Forney. He will remain until a copy is taken and then return with the lists. You can use him for the purpose of making the copy. I hope none of the soldiers will have any reluctance in returning to duty. I have in my possession enough valid Federal paroles to cover this declaration of exchange. I have duly notified the Federal authorities, stating that fact, and pledging myself that if upon computation it should be found otherwise I would deliver equivalents from men now in captivity.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CIRCULAR.

To the EXCHANGED PRISONERS OF THE GARRISONS OF VICKSBURG AND PORT HUDSON:

As certain doubts are understood to disturb the minds of some of the prisoners of the above garrisons, who have been declared exchanged, the lieutenant-general commanding publishes the following dispatch from the War Department in reply to inquiries made by him as to the

manner in which the exchange was made and the authority by which it was declared:

RICHMOND, *December 12, 1863.*

Lieutenant-General POLK, *Enterprise:*

The exchange was declared by our Government on a construction of the rights under the cartel, and not in consequence of any agreement with the Federal agent of exchange. That construction by the Confederate authorities is conclusive on its officers and soldiers. The right is based both on the cartel and on the privilege claimed and exercised by the enemy. To question it is to deny to our Government what the enemy claims and exercises.

RO. OULD,
Agent of Exchange.

From the foregoing telegram the authority for the course pursued by our Government is:

First. The practice of the Federal Government in like circumstances.

Second. The provisions of the cartel agreed upon by the two Governments.

On turning to the cartel we find its fifth article reads as follows:

Each party, upon the discharge of prisoners of the other party, is authorized to discharge an equal number of their own officers or men from parole, furnishing at the same time to the other party a list of their prisoners discharged, and of their own officers and men relieved from parole, thus enabling each party to relieve from parole such of their own officers and men as the party may choose. The lists thus mutually furnished will keep both parties advised of the true condition of the exchange of prisoners.

From this article it is clear that we have a perfect right to release and declare exchanged any number of our paroled prisoners, provided we send a list of them to the enemy and at the same time authorize the enemy to release an equal number of theirs, sending to them the names of ours whom we have released and the names of theirs we authorize them to release as equivalents. Upon doing this we comply with the provisions of article 5, and have a right to declare the men whom we have released exchanged.

The ninth and last article of the cartel provides:

And in case any misunderstanding shall arise in regard to any clause or stipulation in the foregoing article it is mutually agreed that such misunderstanding shall not interrupt the release of prisoners on parole as herein provided, but shall be made the subject of friendly explanations in order that the object of this agreement may neither be defeated nor postponed.

The action of our Government therefore is in strict conformity with law, and is binding, not only upon its officers and men, but also upon the Government of the United States. As well might Federal generals charge—if indeed any have charged—irregularity in the exchange of the prisoners captured at Fort Donelson as those captured at Vicksburg. The obligation which binds their Government to recognize the latter is precisely the same which bound it to recognize the former. Good faith protects both alike.

By order of Lieut. Gen. L. Polk:

T. M. JACK,
Assistant Adjutant-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, December 13, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchanges, Washington, D. C.:

SIR: I have the honor to inclose you herewith copy of a letter received from Mr. Ould, rebel agent of exchange, declining to receive at City

Point any more supplies for our prisoners in Richmond and elsewhere in the South.*

I have also the honor to send you by to-day's mail a Richmond newspaper of the 10th instant and would respectfully call your attention to the remarks published therein made by Mr. Foote in the rebel House of Representatives, calling the attention of the members to the reports of the inadequate supplies of food furnished our men in their custody.

I would observe that the rebel assistant agent of exchange informed Major Mulford that an almost entire change had been made in the officers lately in control of the commissariat of our prisoners, several having been dismissed for misappropriating subsistence stores intended for them, and that there would be no further cause of complaint in regard to the insufficiency of food. Money can be sent as usual.

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

HEADQUARTERS NINETEENTH ARMY CORPS,
In the Field, New Iberia, La., December 13, 1863.

Capt. H. L. PIERSON, Jr.,
Assistant Adjutant-General, New Orleans:

SIR: The rolls of prisoners of war were duly received per hands of Captain Benton.

Maj. W. M. Levy, commissioner in behalf of Maj. Gen. R. Taylor, commanding Confederate forces Western Louisiana, and myself as commissioner in behalf of Maj. Gen. W. B. Franklin, commanding U. S. forces in the said district, have agreed upon an exchange by which the prisoners, officers and men, named upon your rolls will be exchanged at the stage station midway between New Iberia and Vermilionville some time in the early part of next week, and I will give you timely notice when to send the said prisoners to this point. Until they are delivered by you into my hands it will be necessary still to keep them strictly guarded, for should any escape it will cause a loss to us in the said exchange.

The following parties need not be sent and will be retained by you or disposed of as you deem proper, as they are not included in the exchange, for explanation of which see remark opposite to their names:

Lieut. Col. George W. Guess, Thirty-first Texas, captured by Major-General Herron, reported by them as a traitor and deserter on field of battle. Our reason, "not in this command."

Maj. R. A. Howard, C. S. Army, Major-General Pemberton's command, east side of Mississippi.

Privates Jules Duhon, Marshal Faber, Antoine Guidry, Sergt. A. D. Landry, Corpl. Alfred Peck, of Twenty-sixth Louisiana Volunteers, Major-General Pemberton's command; supposed to be paroled at Vicksburg.

I am, captain, your obedient servant,

EDWARD L. MOLINEUX,
Colonel and Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. W. B. Franklin, U. S. Army.

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*See December 11, p. 686.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 13, 1863.

Maj. Gen. W. B. FRANKLIN:

(Through Maj. Wickham Hoffman, assistant adjutant-general.)

SIR: I have the honor to submit the following report of negotiations which have been made by me with Maj. W. M. Levy, commissioner in behalf of Maj. Gen. R. Taylor, commanding C. S. forces, for exchange of prisoners of war captured from the mutual commands.

In obedience to your instructions, under a flag of truce I met the Confederate commissioner at Boutte's plantation, some five miles beyond our pickets, on the 12th of December, and he, having informed me in behalf of Maj. Gen. R. Taylor that they had no officers or enlisted men belonging to negro organizations captured from this command, the inclosed cartel was agreed upon and signed by us in duplicate.*

It will be noticed that all our commissioned officers were exchanged by me. I did so, being anxious, should it unfortunately occur by the fortunes of war that reprisals take place, none of the officers of this command would be sufferers.

Having been notified that a Mr. Gatchell, a non-combatant and a correspondent for the press, was detained in their hands, and indeed entered upon their lists of "prisoners of war," I addressed an official communication to Major Levy requesting to be informed whether Mr. Gatchell was detained as such, and if not, whether he would be released (document 1).

The reply to these queries, and which I have the honor to inclose (document 2), shows a determination to retain Mr. Gatchell, not as a prisoner of war, but as a reprisal, they asserting that a number of peaceful or non-combatant citizens have been seized by our forces. The case of Mr. Gatchell is therefore respectfully referred to you by me as it is likewise to Major-General Taylor by his commissioner.

Upon our rolls of prisoners appeared the names of two commissioned officers and five enlisted men not belonging to Maj. Gen. R. Taylor's command, and they were, therefore, not exchanged.

There being an excess of prisoners belonging to this command in the hands of Maj. Gen. R. Taylor, his commissioner proposed to deliver them up to us as paroled prisoners under certain conditions as expressed in his letter (document 3). As this would be binding us to the delivery of certain persons in exchange who had not been captured by this command as at present constituted, and also upon future captures, I informed Major Levy that I had no authority to enter into such agreement, but would refer it to you.

Their commissioner thereupon very frankly stated the sufferings which must of necessity fall upon the prisoners left in their hands, and offered to deliver them paroled to our lines provided I would agree to return them into their hands should no agreement be entered into between yourself and Major-General Taylor (document 4).†

As I viewed this to be binding upon you in the event of any different action being taken by the U. S. authorities I declined so to receive them, thanking him in my reply (document 5) for the high-minded and humane spirit in which I feel assured the offer was made. I notified Major Levy that should no cartel for the excess of prisoners be made we should avail ourselves of the stipulation agreed upon to send the prisoners clothing and other necessaries for their comfort. He in reply

* See p. 693.

† Not found; probably returned to Major Levy. See Franklin to Molineux, December 13, p. 700.

very handsomely offered to allow us to send an officer (on parole of honor) with the clothing, he to see to its proper distribution.

The enlisted men who were captured while acting as safeguards on property of citizens are to be delivered back to us with their arms, equipments, &c., without condition of exchange, and orders have been issued by Major-General Taylor against any capture in future of like safeguards.

I desire to mention the negotiations have been carried on with the best of feeling, and that the greatest liberality and straightforward candor has characterized the conduct of the officers who have met me in behalf of Maj. Gen. R. Taylor, C. S. Army.

I am, sir, very respectfully, your obedient servant,

EDWARD L. MOLINEUX,

Col. and Actg. Asst. Insp. Gen., Comr. for Exchange of Prisoners
In behalf of Maj. Gen. W. B. Franklin, U. S. Army.

[Inclosure No. 1.]

FLAG OF TRUCE, BOUTTE'S PLANTATION,
Near New Iberia, La., December 12, 1863.

Maj. W. M. LEVY,
Commissioner, &c., to Maj. Gen. R. Taylor, C. S. Army:

SIR: I have the honor to request you to state whether Mr. Gatchell, a correspondent for the New York Herald and a non-combatant, is detained by you as a prisoner of war, and if not, whether he will be released by the Confederate authorities.

I am, major, respectfully, your obedient servant,

EDWARD L. MOLINEUX,
Colonel and Commissioner for Exchange
In behalf of Maj. Gen. W. B. Franklin, U. S. Army.

[Inclosure No. 2.]

FLAG OF TRUCE, BOUTTE'S PLANTATION,
Near New Iberia, December 12, 1863.

Col. E. L. MOLINEUX,
Commissioner for Major-General Franklin, U. S. Army:

COLONEL: In reply to your communication of this date asking me to inform you whether Mr. William M. Gatchell, correspondent of the New York Herald and a non-combatant, who was captured by our forces some time ago, is detained as a prisoner of war, and, if not held as such, whether he will be released by Maj. Gen. R. Taylor, commanding C. S. forces, Western Louisiana, I have to state that the citizens in the hands of Major-General Taylor, captured with your other prisoners, are not held as prisoners of war, but are held because your Government through its officers in this district have arrested citizens, non-combatants, and hold them as prisoners of war.

Among other instances is the case of Mr. John G. Pratt, a citizen of Saint Landry Parish, in this State, wholly disconnected with the military service. I mention this as a case similar to that of Mr. Gatchell.

Major-General Taylor is, I assure you, anxious that on both sides this practice should be discontinued.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,
Maj. and Commissioner in behalf of Maj. Gen. R. Taylor, C. S. Army.

[Inclosure No. 3.]

BOUTTE'S PLANTATION,
Near New Iberia, December 12, 1863.

Col. E. L. MOLINEUX, U. S. Army,
Commissioner for Exchange:

COLONEL: Having been clothed with authority by Major-General Taylor, commanding C. S. forces in Western Louisiana, to effect with you arrangements for the exchange of all prisoners now in hands of the U. S. and C. S. authorities, respectively, captured in this military district, and where there might be an excess on either side to agree upon terms whereby the excess might be paroled and delivered to their friends; and having been informed by you that you have no authority to enter into any agreement embracing other prisoners than those captured by the forces of Major-General Franklin, and now in his possession, I submit in behalf of Maj. Gen. R. Taylor, C. S. Army (commanding as aforesaid), the following propositions for the consideration and action of Maj. Gen. W. B. Franklin, U. S. Army (commanding as aforesaid), and such other authority whose approval may be necessary to enable the propositions to be agreed to in behalf of the U. S. authorities:

Major-General Taylor will parole and deliver at the outpost of their friends which may be nearest to that of the forces of Major-General Taylor the excess of prisoners now in his hands, who have been captured from the U. S. forces in Western Louisiana commanded by Major-General Franklin, the paroles of the prisoners thus delivered to be recognized by the proper U. S. authorities, or in the event of their not being thus recognized such prisoners to be returned to Major-General Taylor, commanding C. S. forces in Western Louisiana.

The prisoners belonging to the C. S. forces commanded by Major-General Taylor who have been captured from time to time in Western Louisiana at Fort Butler or elsewhere, and now in the hands of the U. S. authorities, to be delivered to Major-General Taylor at his outpost which may be nearest to that of the U. S. forces in Western Louisiana.

Major-General Taylor will also exchange for prisoners captured from time to time from his command all other prisoners in his hands who have been from time to time captured from the U. S. forces in Western Louisiana upon the terms this day agreed upon for the exchange of prisoners between Col. E. L. Molineux and myself, commissioners, and if the excess shall be paroled and delivered on the terms and with the understanding hereinbefore mentioned.

The approval of the commanding officer of the department to be given to the agreement if entered into by Major-General Franklin, or such other officer as may be authorized to make the arrangement and agreements; and it shall be distinctly avowed and understood that such prisoners received by either party under the terms of this cartel to be entered into shall not be released from their parole until regularly exchanged, and should the Government of either party refuse to recognize such paroles then the prisoners who may have been thus delivered shall be returned to their captors.

This agreement is not to be effected by the action or by any cartel agreed upon by the two Governments, whether general or special, but if either Government should direct the discontinuance of exchange or delivery of prisoners as herein proposed, due notice thereof shall be given by the parties respectively, as the orders discontinuing the cartel herein proposed may proceed from one or the other Government. Any excess of prisoners released on parole by either party under the

provisions of the cartel herein proposed not to be included in an exchange under a general cartel which may be adopted by the two Governments until formal notice has been given to the other party by the party wishing to include them in such general exchange.

Before any discontinuance of the cartel herein proposed notification of such intention shall be given to the other party and officers and men captured prior to such notification and those captured within ten days thereafter will be subject to the provisions of the cartel proposed herein.

This term of ten days being for the purpose of giving the party to whom the notice of cessation of exchange and delivery as above-mentioned is sent ample time to receive it and adopt measures suitable to the new condition of things which would arise.

The cartel which may be adopted on the basis which I have proposed to be construed on all occasions according to its spirit, and the propositions herein made are dictated by an earnest desire to mitigate as far as possible the sufferings of prisoners of war.

Very respectfully, your obedient servant,

WILL. M. LEVY,

Maj. and Commissioner in behalf of Maj. Gen. R. Taylor, C. S. Army.

[Inclosure No. 5.]

FLAG OF TRUCE,
Near New Iberia, La., December 13, 1863.

Maj. W. M. LEVY,
Commissioner, &c., in behalf of Maj. Gen. R. Taylor, C. S. Army:

MAJOR: I have to acknowledge the receipt of your communication of this date offering to deliver into Major-General Franklin's hands on parole the excess of prisoners captured from his command under certain conditions.

I have the honor to state that while I fully appreciate your humane desire to alleviate the sufferings which must of necessity attend the prisoners in your hands yet I cannot accept your proposal until further instructions have been received from Maj. Gen. N. P. Banks, commanding Department of the Gulf.

As soon as he is heard from on the subject I shall have the pleasure of informing you in behalf of Maj. Gen. W. B. Franklin through a flag of truce.

I am, sir, your obedient servant,

EDWARD L. MOLINEUX,
Colonel and Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. W. B. Franklin, U. S. Army.

HEADQUARTERS U. S. FORCES IN WESTERN LOUISIANA,
New Iberia, December 13, 1863.

Col. E. L. MOLINEUX,
Acting Inspector-General, Commissioner for Exchange:

COLONEL: I have received your note of this morning and the two from Major Levy, which latter I return to you.

I think it safe to continue the arrangement for paroling the excess of prisoners who cannot be exchanged by getting them forward toward our lines, if such a movement has been commenced. So far as I am concerned I shall consent to any arrangement that will bring the prisoners into our possession, and which will not at the same time conflict with the orders of the War Department on the subject.

I do not think, however, that an arrangement can be made by which, in spite of any orders from our Governments, these prisoners can be placed upon a different footing from those taken in other parts of the country, leaving their disposition merely to General Taylor and myself. General Taylor or myself might be sent to some other army, and I think that neither of us can enter into an agreement which would bind a successor, provided any action of our respective Governments might force that successor to act somewhat in opposition to his Government while carrying out our agreement. I telegraph to headquarters on the subject to-day, and in the meantime write you this to acquaint you generally with my own views, independent of any higher authority.

Very respectfully, yours,

W. B. FRANKLIN,
Major-General, Commanding.

WASHINGTON, D. C., *December 14, 1863.*

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to acknowledge the receipt of your instructions of the 11th instant, requiring explanations in relation to the trade with sutlers by prisoners of war at camps in the West and Northwest, the want of discipline of Federal prisoners on parole at Camp Chase, and the waste of food and fuel in consequence of defective cooking arrangements at all these places, and I would respectfully submit the following:

When the prison camps in the West were first occupied in the winter of 1861 and 1862 there were sutlers at each of them, and in 1862 a sutler was appointed for the depot at Johnson's Island by the then Secretary of War. In June an order was published by the War Department placing the control of prisoners of war in my hands, and I immediately, among other regulations, placed the trade by sutlers with prisoners under the control of the commanding officer, who was to restrict them to such articles as it was proper for them to have. None of the articles which the Army Regulations permitted a sutler to keep were at that time prohibited to prisoners, except arms and an excess of clothing. No purchases could be made except by an order on the commanding officer, who himself paid for the article purchased out of the prisoners' money on deposit in his hands, so that he was always informed of the sales made. "Schnapps" is among the articles prohibited by the Army Regulations, and if they were sold by the sutler at Camp Chase he should be dismissed from his place, and if the sale was approved by the commanding officer he should be dismissed from the service. I have had no officer at my disposal for months past whom I could send out to make an inspection of these camps, and my duties in my office have not permitted me to go myself. I have therefore not had it in my power to ascertain by personal observation what irregularities were occurring. I had ordered Captain Lazelle on such a tour of inspection just as he was relieved from duty in my office in September, and it is only within a few days that I have been able to obtain the detail of an officer to fill his place.

Pursuant to your instructions, I have recently prohibited all trade by prisoners with sutlers or other persons, directly or indirectly, and I think it proper to mention in this connection that I have received from several commanders inquiries to know whether this order is to be understood to prohibit the purchase of tobacco, pipes, letter paper, and postage stamps, and I respectfully ask your instructions on this subject.

To those who are in the habit of using tobacco it is a great punishment to be deprived of it, and the deprivation would be a greater inducement to endeavor to escape than any other course which is likely to influence them. If they are not permitted to purchase it I would recommend that it be purchased for them out of the prison fund.

Camp Chase is too remote from this city for me to give the discipline of the paroled troops there my personal supervision, and it is very possible that there has been a want of attention on the part of the commanding officer. The camp is under the immediate command of Col. William Wallace, Fifteenth Regiment Ohio Volunteers, and makes a part of the command of Brigadier-General Mason, whose headquarters are at Columbus, and they are the officers who are responsible for the good order and discipline of all troops at the camp. General Mason furnishes to my office tri-monthly reports of all arrivals and departures of paroled officers and men, but he makes no reports of the condition of the troops at the camp, and I have, therefore, had no means of ascertaining whether a satisfactory state of discipline is kept up or not.

The arrangements which I had ordered for cooking were made with a view to economy in expense, labor, and fuel, and for greater conveniences. I found at all the camps camp-kettles, skillets, and frying-pans in general use, which wasted the rations, and in consequence of the numerous fires used required an extravagant quantity of fuel. At one camp the fuel cost $10,000 a month. To remedy this great evil I ordered the purchase of "Farmer's boilers," which hold from thirty to sixty gallons and require but a small quantity of wood. They were put in use at Johnson's Island for the guard and prisoners and were purchased by other camps, but owing to the inefficiency of the commanders, and, as I am induced to believe, the influence of contractors, these boilers were only put in partial use or not at all, and the prisoners having been about that time sent forward for exchange, the failure in this matter did not come to my notice.

Recently I have repeated the orders on this subject and have insisted that they shall be carried out, but owing to the great demand for these boilers some time must elapse before they can be procured. They have been supplied for the depot at Rock Island. As another means of saving fuel I ordered the purchase of a portable circular saw out of the prison fund for the cutting of wood, by which the great waste by chopping with an ax was avoided, and at Camp Douglas, where so much was paid for fuel, a large reduction was made.

I think there can be no great waste of provisions at any of these camps because I have adopted a scale for the issue of rations based on what was found to be, on trial, a sufficient allowance, and the difference between this and the allowance by regulations, a large percentage, is the "savings" which, sold to the commissary, makes the prisoners' fund, which varies from $3,000 to $20,000 at the several camps. There may be an appearance of waste at times growing out of the purchase of articles from the sutler, or the use of vegetables which would make a surplus of some part of the ration which cannot be saved. When the provisions are divided into small parcels and cooked in small messes, which, I presume, is the case reported, it would be more likely to create a deficiency of the ration than any surplus to waste.

All of which is respectfully submitted.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 14, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: Your letter of the 4th instant, relating to the establishment of a smallpox hospital on the New Jersey shore, is received. My letter of the 30th instant [ultimo] was intended as an order for the erection of a hospital, but the reasons you urge for delaying the work are of a character to make it proper to reconsider the matter. That you may understand what led to the issuing of the order I inclose herewith a report of the condition of the sick at Fort Delaware made by Assistant Surgeon Silliman to the medical director at Baltimore. This report is dated on the 5th of November, and puts a very different face upon the matter from his report of the 6th, one day later, which was forwarded by you on the 7th of November. I was much embarrassed by the contradictory character of the reports, but as there seemed to be no doubt that 300 men had died in September and 330 in October, there could be no hesitation as to the propriety of establishing a detached hospital, as was recommended by the medical director and the Surgeon-General. Surgeon Clark, who made an inspection of the hospital at that time, concurred in this recommendation, though the figures which he obtained differed very much from those given in Surgeon Suckley's indorsement. Please report fully on the whole matter, and I will again call the attention of the Secretary of War to it. Oblige me by returning the inclosed communication.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry, Commissary-General of Prisoners.

[Inclosure.]

FORT DELAWARE, DEL., *November 5, 1863.*

Surg. GEORGE SUCKLEY, U. S. Volunteers,
Acting Medical Director, Middle Department:

SIR: I have the honor herewith to transmit the monthly report of sick and wounded prisoners of war at this post during the month of October. I also inclose a list of deaths which have occurred.* An epidemic of variola has been prevailing at this post, chiefly among prisoners. I have employed as agents to check its progress, cleanliness, as far as practicable, disinfectants (*i. e.*, chloride of lime, and the Ridgewood disinfecting powder), exercise in the open air, and vaccination. The violence of the disease has evidently abated but I am still admitting one or two new cases daily. I would respectfully suggest that sufficient grounds be procured on the New Jersey shore of the bay opposite the fort for the erection of a number of hospital tents, whither these cases might be transported and there treated without endangering the lives of those who remained. The contagious hospital which I now have in use is entirely too small for the purpose, and in addition is in close connection with the main building.

I am, sir, very respectfully, your obedient servant,

H. R. SILLIMAN,
Assistant Surgeon, U. S. Army, Post Surgeon.

*List omitted shows 376 soldiers and 1 citizen.

[First indorsement.]

MEDICAL DIRECTOR'S OFFICE,
Baltimore, November 10, 1863.

Respectfully forwarded to Colonel Hoffman, Commissary-General of Prisoners.

As over 300 deaths occurred among the prisoners in the month of September and 377 during the month of October, making a total of over 10 per cent. of the number of prisoners at the fort, it is especially urged on the ground of humanity that the suggestion of Doctor Silliman be acted upon at the earliest possible moment, and that sufficient accommodations be furnished for those patients with contagious diseases at a remote point from the fort.

GEO. SUCKLEY,
Surgeon, U. S. Volunteers, and Acting Medical Director.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 12, 1863.

Respectfully referred to Col. J. K. Barnes, acting surgeon-general, for his views.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Third indorsement.]

SURGEON-GENERAL'S OFFICE, *November 12, 1863.*

The erection of hospital tents on opposite shore is approved and respectfully recommended.

JOS. K. BARNES,
Acting Surgeon-General.

[Fourth indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
November 30, 1863.

Respectfully referred to the Secretary of War, with the recommendation that authority be given to rent a piece of ground on the New Jersey side on which to establish a smallpox hospital and that a smallpox hospital capable of receiving 100 patients be erected, to be paid for out of the prison fund.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Fifth indorsement.]

NOVEMBER 30, 1863.

The erection of a smallpox hospital is authorized, and if the ground cannot be rented on reasonable terms its seizure and occupation is directed.

EDWIN M. STANTON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 14, 1863.

Brig. Gen. JOHN H. WINDER:

GENERAL: You will dispose of prisoners named below, embraced in Report, No. 146, of Maj. I. H. Carrington, indicated, viz: Joseph A. Marm, William Tennant, John E. Tennant; send to conscript camp.

You will also deliver to Robert Ould, esq., commissioner for exchange, to be transferred to the United States by the first flag-of-truce boat, Amos Bares, a free negro from Pennsylvania, whose release is applied for by the Rev. T. V. Moore, of this city, upon grounds which appear to the Department sufficient to justify an exceptional policy with regard to him.

By order of the Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

EXECUTIVE MANSION,
Washington, D. C., December 15, 1863.

Hon. OGDEN HOFFMAN,
U. S. District Judge, San Francisco, Cal.:

The oath in the proclamation of December 8 is intended for those who may voluntarily take it, and not for those who may be constrained to take it in order to escape actual imprisonment or punishment. It is intended that the latter class shall abide the granting or withholding of the pardoning power in the ordinary way.

A. LINCOLN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 15, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: The Confederate Government has received authentic information that Acting Master John Y. Beall and Edward McGuire, of the Confederate Navy, and fifteen regularly enlisted seamen of the same service, are now closely confined in irons at Fort McHenry, awaiting trial as pirates. They were recently captured in Virginia. They were engaged in open warfare and are entitled in every respect to the treatment of prisoners of war.

With whatever regret retaliatory measures may be adopted, the course of your authorities leaves no other alternative. In the hope, therefore, of inducing your Government to accord to these parties the treatment due to prisoners of war, I inform you that Lieut. Commander Edward P. Williams and Ensign Benjamin H. Porter and fifteen seamen, all of the U. S. Navy and prisoners in our hands, have been placed in close confinement in irons and held as hostages for their proper treatment.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 15, 1863.

F. N. KNAPP, Esq.,
Associate Secretary Sanitary Commission,
244 F Street, Washington, D. C.:

SIR: Believing that there were some inaccuracies in the report of the condition of the prisoners of war at Point Lookout, made by an inspector of the Sanitary Commission, of which you had the kindness

to furnish me a copy, I referred it to the commanding officer, Brig. Gen. G. Marston, and I beg leave to hand you herewith a copy of his reply.*

Your inspector has strangely been led into many errors in his report, and their publication cannot but do much harm to our cause by exciting the friendly sympathies of the people for those who seem to be treated with unnecessary harshness and neglect, and by giving the rebel authorities an apparent excuse for the cruel treatment which they have heaped upon those of our people who have been so unfortunate as to fall into their hands.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 15, 1863.

Lieut. Col. M. BURKE,
Commanding Fort Lafayette, New York Harbor:

COLONEL: Capt. R. H. Tyler, Eighth Virginia Infantry, a prisoner of war at the Old Capitol, in this city, has been ordered to Fort Lafayette. General W. H. F. Lee, of the rebel army, now in your charge, and Captain Tyler are to be held as hostages for Captains Flinn and Sawyer, of the Federal Army, now in confinement in Richmond, but until further orders they will be treated as other prisoners of war.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *December 15, 1863.*

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

Prisoners of war will be permitted to purchase of the sutler tobacco, pipes, letter paper, and postage stamps. Is the smallpox abating?

W. HOFFMAN,

Commissary-General of Prisoners.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 15, 1863.

Maj. W. M. LEVY,
Commissioner for Exchange of Prisoners
in behalf of Maj. Gen. R. Taylor, C. S. Army:

MAJOR: In my reply to your communication of 12th instant, respecting the paroling of the excess of prisoners in hands of Maj. Gen. R. Taylor, C. S. Army, I had the honor to inform you that as soon as a definite answer had been received from Maj. Gen. N. P. Banks I would immediately inform you.

I have the pleasure, herewith inclosed, to send you copies of the telegraphic correspondence between Maj. Gen. W. B. Franklin and

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* See p. 644.

Maj. Gen. N. P. Banks on the subject, and as the reply from headquarters of the department is favorable I would suggest that all the excess of paroled men now in your possession be moved toward some favorable point for delivery.

I am instructed to inform you that Maj. Gen. N. P. Banks has appointed a commissioner on his part to agree upon a cartel and agreement for paroling of the balance of all prisoners in hands of Maj. Gen. R. Taylor. Will you please appoint the time and place at which you will meet the said commissioner and notify Maj. Gen. W. B. Franklin two or three days in advance.

I am, major, very respectfully, your obedient servant,

E. L. MOLINEUX,

Commissioner for Exchange of Prisoners on behalf of Maj. Gen. W. B. Franklin, U. S. Army.

I have to request you to state whether it is agreeable to you to exchange Mr. H. F. Fenner, civil clerk in commissary department, for Mr. Stockton, assistant engineer steamboat Webb, taken when not in commission. I shall bring Mr. Stockton up at the exchange, hoping to have a favorable answer.

[Inclosure No. 1.]

NEW IBERIA, *December 13, 1863.*

Brig. Gen. C. P. STONE,

Chief of Staff, New Orleans, La.:

The exchange of prisoners, officer for officer and man for man, is progressing. General Taylor offers to place the excess of prisoners in his hands in our possession on these terms, viz:

1. Their paroles to be recognized by the U. S. authorities, and if they are not so recognized the prisoners to be returned to General Taylor.

2. All prisoners from the forces under General Taylor's command to be exchanged for these paroled prisoners, including those taken at Fort Butler or elsewhere.

3. The agreement thus entered into is not to be affected by the action of the Government of either party; but if any general exchange be agreed upon by the two Governments, the excess of prisoners is not to be included in that agreement until formal notice has been given to one party by the other to include them in that exchange. Also, ten days' notice must be given of the cessation of exchange before any change in the cartel shall go into effect.

General Taylor wishes an acceptance of these terms by the department commander.

W. B. FRANKLIN,

Major-General, Commanding.

[Inclosure No. 2.]

DEPARTMENT OF THE GULF,

New Orleans, December 14, 1863.

Major-General FRANKLIN,

Comdg. Troops in Western Louisiana, New Iberia:

The major-general commanding department will approve the acceptance by you of the terms proposed by General Taylor, as by your dispatch of yesterday, just received.

C. P. STONE,

Brigadier-General, Chief of Staff.

GENERAL ORDERS, No. 397. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, December 16, 1863.*

I. Before a military commission, which convened at Fort McHenry, Md., October 14, 1863, pursuant to General Orders, No. 78, dated headquarters Second Separate Brigade, Eighth Army Corps, Defenses of Baltimore, Fort McHenry, Md., October 12, 1863, and of which Col. P. A. Porter, Eighth New York Volunteer Artillery, is president, were arraigned and tried—

1. Daniel Davis, now or late a lieutenant in the so-called Confederate Army.

CHARGE: Recruiting men within the lines of the U. S. forces for the so-called Confederate Army.

Specification.—In this, that Daniel Davis, now or late a lieutenant in the so-called Confederate Army, on or about the 18th day of April, 1863, was arrested within the lines of the U. S. forces, near Clarksburg, Harrison County, State of Virginia, engaged in recruiting men for the said so-called Confederate Army.

To which charge and specification the accused, Daniel Davis, now or late a lieutenant in the so-called Confederate Army, pleaded guilty.

FINDING.

The commission, having maturely considered the evidence adduced, finds the accused, Daniel Davis, now or late a lieutenant in the so-called Confederate Army, as follows:

Of the specification, guilty.

Of the charge, guilty.

SENTENCE.

And the commission does therefore sentence him, the said Daniel Davis, "to be confined at hard labor in Fort Warren, or such other prison as the Secretary of War may direct, for the term of fifteen years."

2. Thomas D. Armesy, now or late a major in the so-called Confederate Army.

CHARGE: Recruiting men within the lines of the U. S. forces for the so-called Confederate Army.

Specification.—In this, that the said Thomas D. Armesy, now or late a major in the so-called Confederate Army, on or about the 18th day of April, A. D. 1863, was arrested within the lines of the U. S. Army, near Clarksburg, Harrison County, State of Virginia, acting under authority from the War Department of so-called Confederate States of America, conferred by an order of said Department bearing date "War Department, Adjutant and Inspector General's Office, Richmond, Va., February 3, 1863," empowering him, the said Armesy, to raise a battalion of volunteers within our lines for the army of the so-called Confederate States of America, and that the said Thomas D. Armesy was actually engaged at the time of his said arrest, and before that date, in recruiting men within the lines of the U. S. forces for said battalion of volunteers and for said so-called Confederate Army.

To which charge and specification the accused, Thomas D. Armesy, now or late a major in the so-called Confederate Army, pleaded "not guilty."

FINDING.

The commission, having maturely considered the evidence adduced, finds the accused, Thomas D. Armesy, now or late a major in the so-called Confederate Army, as follows:

Of the specification, guilty.

Of the charge, guilty.

SENTENCE.

And the commission does therefore sentence him, the said Thomas D. Armesy, "to be confined at hard labor at Fort Warren, near Boston, or such other prison as the Secretary of War may direct, for the term of fifteen years."

II. The proceedings of the military commission in the cases of Daniel Davis and Thomas D. Armesy have been approved by the brigadier-general commanding and forwarded for the action of the War Department. The sentences are approved, and the prisoners will be sent, under proper guard, to Fort Warren and delivered to the commanding officer.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, December 16, 1863.*

Major-General HITCHCOCK,
Commissioner of Exchange of Prisoners:

GENERAL: You will proceed immediately to Fort Monroe and take any measures that may be practicable for the release, exchange, or relief of U. S. officers and soldiers held as prisoners by the rebels. You are authorized and directed to confer with Major-General Butler on the subject and may authorize him as special agent, commissioner, or otherwise, to procure their release or exchange upon any just terms not conflicting with principles on which the Department has heretofore acted in reference to the exchange of colored troops and their officers, and not surrendering to the rebels any prisoners without just equivalents. You may, if you deem it proper, relieve General Meredith and direct him to report to the Adjutant-General for orders.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

[DECEMBER 16, 1863.—For order assigning Brig. Gen. W. W. Orme to command of Camp Douglas, Ill., see Series I, Vol. LII, Part I, p. 504.]

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, December 16, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: On the 26th day of November Col. Trusten Polk was removed to Sandusky. In the telegram from the Secretary of War he stated that he had no official information that he had been exchanged for Hon. Lucien Anderson. Colonel Polk has been very sick, and his daughter has been taking care of him and she is now sick. He is desirous of being moved as soon as he is well enough to Saint Louis, so that his friends can take care of him. He also advises me that his pecuniary resources will not admit his paying his bills in Ohio, where he has no friends. He has, therefore, desired me to ascertain whether the limit of his parole must be continued to the State of Ohio or whether he can go to Saint Louis.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion, Commanding.

HEADQUARTERS FORT DELAWARE, *December 16, 1863.*

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: In reply to your telegram of this day* I have the honor to inform you that the smallpox is not only decreasing in number, but also in its form. Deaths are very few. The sutler has been authorized to sell to prisoners such articles as you designated.

Very respectfully,

A. SCHOEPF,
Brigadier-General, Commanding.

HEADQUARTERS FIRST CAVALRY DIVISION,
Vermilionville, December 16, 1863.

Col. E. L. MOLINEUX, *Inspector-General, &c.:*

COLONEL: I have just received the inclosed document† from Saint Martinsville. As it is impossible for the Confederate Army to protect those of our citizens who are within or near the lines of the Federal Army I submit the inclosed through you to the commanding general, trusting his sense of justice in the matter of defenseless non-combatants. When the firing took place on Sunday upon the citizens of the town there was no Confederate soldier in the place, as I am informed; but the firing was, as I have been informed, upon men, women, and children promiscuously as they were returning from church, and one very old man dangerously wounded. I call your attention to this matter for the reason that I do not believe such barbarity to be sanctioned by the officers of the Federal Army.

I call your attention to the case of Romulus McBride, a citizen of this village. I believe he is a blacksmith. This man never has belonged to the Confederate Army. He was conscripted but discharged for disability. His wife is distressed to a degree that she has become an invalid. I hope you will, if possible, have this man released.

Major Levy desired his compliments to be returned to you for the use of your horse in his ambulance and for other kindnesses and courtesies. The horse will be sent back with the prisoners.

Accept, my dear colonel, for yourself personally, the very best wishes of the writer. I hope the fate of war may some time make you my prisoner so that I will be able to show you how I appreciate an opponent of your qualities. I regret I have nothing to send you; not a newspaper, nor even "Louisiana lightning."

Very respectfully,

THOMAS GREEN,
Brigadier-General, Commanding First Cavalry Division.

P. S.—The compliments of my young friend and staff officer, Captain Wells. He will meet you again before this close of negotiations.

Yours, &c., T. G.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 16, 1863.

Hon. J. A. CAMPBELL, *Assistant Secretary of War:*

SIR: In compliance with your indorsement on the accompanying paper‡ I have the honor to make the following report:

I think it is very clear that the Government, in ordering paroled

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* December 15. † Not found. ‡ See Polk to Cooper, November 24, p. 558.

men into a paroled camp and retaining them there until they are exchanged, does nothing in any way inconsistent with the provisions of the cartel or the obligations of a military parole. Therefore it has been the constant practice on both sides, immediately upon the delivery of paroled men, to put them into a paroled camp. The Federals have had as many as 10,000 men at one time in their paroled camp at Annapolis. These men were delivered to the Federal authorities at Varina and City Point, and thence carried to Annapolis and there kept until exchanged. Our authorities never at any time entertained the idea that such a course was any violation of either cartel or parole. Upon the delivery of our paroled men at Varina or City Point they were immediately transferred thence to a paroled camp, either at Petersburg or Richmond. I think it equally clear that it is no violation of the cartel or parole to require the paroled men to guard their own stores and camp, or to do police duty generally in such camps. In no just sense can they be said to be taking up arms again or serving as military police. The language of the cartel is: "Serving as military police or constabulary force in any fort, garrison, or field-work held by either of the respective parties." A paroled camp is in neither category. The other phrase, "Nor as guards of prisons, depots, or stores," is not inconsistent with the view here taken. A paroled camp is not a prison, and the depot and stores referred to are those which supply troops actually in the field. Accordingly, I am quite confident that the practice on both sides from the beginning has been to employ the paroled prisoners themselves as the guard and police force of their camps.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

P. S.—I would add further that there was gross mismanagement and negligence in the matter of the lists of the prisoners paroled at Vicksburg. After strenuous efforts I have only been able to obtain partial and very imperfect lists of some of the commands. These are on file in my office. I can have them copied if you wish it. I very much doubt whether the enemy would furnish a copy of their rolls, and somewhat question the propriety of making such a request, in consequence of our quarrel about the exchange of the Vicksburg prisoners.

Respectfully,

RO. OULD,
Agent of Exchange.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 17, 1863.

Maj. Gen. B. F. BUTLER, *Commanding, &c., Fort Monroe:*

GENERAL: You are instructed to take charge of the matter of the exchange of prisoners at City Point, and the prisoners at Point Lookout, Fort McHenry, and at Fort Norfolk are put under your charge for that purpose, and such others will be sent to you from time to time, upon notification to the Department, as may be thought advisable. You are herein instructed not to make any exchange which shall not return to you man for man, officer for officer, of equal rank with those paroled and sent forward by yourself, regarding, of course, from motives of humanity, in the earlier exchange those officers and men on either side who have been the longest confined. Colored troops and their officers

will be put upon an equality in making exchanges, as of right, with other troops. Colored men in civil employment captured by the enemy may also be exchanged for other men in civil employment taken by our forces. You are permitted, in conducting the exchange, to waive for the present the consideration of the question of parole and excess now pending between the Confederate belligerent authorities and this Government, leaving them untouched as they stand until further exchange of views between those authorities and yourself. In conducting this delicate and perhaps difficult matter you will see to it that in no degree the protection of the Government is withdrawn from colored soldiers of the United States and the officers commanding them, and that in no respect, so far as results from your action, the honor or dignity of the Government shall be compromised. Brigadier-General Meredith is ordered to report to you, and will be relieved from further duty as commissioner of exchange, except under your orders. The conduct of the flag of truce and the necessary transportation to carry out these instructions are placed at your disposal. You will report as often as practicable to this Department your action under this letter of instruction and for further instructions.

By order of the Secretary of War:

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

OFFICE OF COMMISSIONER FOR EXCHANGE,
Fort Monroe, December 17, 1863.

Maj. Gen. B. F. BUTLER, *Commanding, &c., Fort Monroe:*

SIR: By the authority and orders of the Secretary of War you are hereby appointed special agent for exchange of prisoners of war at City Point for the purpose of executing the instructions from the War Office, of this date, addressed to you.*

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 17, 1863.

Col. G. W. KINCAID,
Commanding Military Prison, Alton, Ill.:

COLONEL: The practice, as reported in your letter to General Schofield of the 19th ultimo as prevailing at the Alton prison, of taking gold from prisoners and giving them sutler's tickets in return is unauthorized and in violation of the instructions on this point. Whatever money is taken from prisoners must be returned to them in money of the same character, unless expended for them on their own orders; and if there are any prisoners in your charge now holding sutler's tickets you will cause them to be immediately redeemed in the same kind of money for which they were given. Report your action under this order.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* Next, *ante*.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 17, 1863.

Col. A. A. STEVENS,
Commanding Camp Morton, Indianapolis, Ind.:

COLONEL: I have just received a telegram from Captain Ekin, informing me that the prisoners in hospital at Camp Morton are in want of drawers, socks, and shirts. This state of things should not exist, nor is it proper that the information should come to me through Captain Ekin. The circular of regulations issued from this office amply provide, in paragraphs 3, 4, and 5, for all such wants, and there is no good [reason] why at any time there should be any deficiency of necessary articles. It is the duty of the commanding officer to take timely measures to provide whatever may be required, and that the regulations may not be lost sight of I inclose herewith several copies,* which I request may be preserved.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 17, 1863.

Brigadier-General GREEN,
Commanding Cavalry Division, C. S. Army:

GENERAL: By direction of Maj. Gen. W. B. Franklin, commanding U. S. forces, I have the honor herewith to inclose a certified copy of the report of Colonel Lucas, commanding the reconnaissance of last Sunday, together with one from Captain Baker, aide-de-camp to the general. These reports were made in consequence of investigations respecting the matter which you brought to Major-General Franklin's notice in your communication of the 16th instant.

Our forces have made sundry visits to Saint Martinsville, and always have seen troops of your forces in or near the town. As a general thing the pickets fall back through the town, and, of course, the citizens are in danger from shots fired at these men.

On the occasion referred to in your letter several of your men were in the town, were driven from it by our people, and found on the prairie in rear. It was unfortunate and greatly to be deplored that many peaceable people were in the streets at the time, but it is still more unfortunate that the inhabitants encourage a small force to remain in or about their town if they expect to undergo none of the horrors accompanying a state of war.

The general most sincerely regrets that the unfortunate citizen was wounded, but is inclined to attribute his misfortunes more to the fact of the presence of your troops than to any barbarity on our part.

As to firing at or upon defenseless citizens and upon helpless women and children, you must yourself, general, be aware that such could not have been the case.

Hearing that several of your men were concealed in the houses with their friends, search was made for them, and the capture of Captain Belden and Sergeant Delahoussaye will be sufficient proof that there was good reasons for searching. The reports will show that all the houses were entered by parties under charge of a commissioned officer.

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*See Vol. IV, this series, p. 152.

In respect to depredations and maltreatment of citizens, I beg to inform you that the strictest orders have been issued to prevent this, and the severest punishment inflicted upon all offenders who are guilty of such conduct.

Respecting the case of Romulus McBride, I do not find him upon the list of captured, but have telegraphed to New Orleans to see if he has been sent there by any officer without having been reported at these headquarters.

Can you give me information when and where he was captured, as I can assure you if he is in our possession, upon finding, he will be promptly released.

I feel fully assured, general, that further investigation on your side will show you must have been misinformed respecting the transactions of the 13th instant. It may be that your vedettes make more frequent use of Saint Martinsville and the comforts of their friends there than has been brought to your notice.

With the greatest respect, I am, truly, yours,

EDWD. L. MOLINEUX,
Col., Acting Assistant Inspector and Provost-Marshal-General,
U. S. Forces in the Field.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 18, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I will thank you to inform me as soon as you can what is the present condition of Capt. William F. Gordon, Maj. Thomas D. Armesy, and Lieutenant Davis. It has been stated on what is deemed reliable information that these officers have been tried and sentenced to various punishments. In one, if not more, instances the party has been condemned to death. Will you not, if these parties have been tried, furnish me with certified copies of the records? I will reciprocate in any case where you may demand similar records All these officers were regularly in the Confederate service.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

STATE OF WEST VIRGINIA, EXECUTIVE DEPARTMENT,
Wheeling, December 18, 1863.

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: Colonel Powell, of the Second West Virginia Cavalry, as you are aware, was wounded and captured at the fight of Wytheville, Va., in September last. He is still a prisoner at Richmond, but has recovered from his wounds. The assistant surgeon of his regiment (Doctor Nellis) was captured at the same time, and was a prisoner with the colonel until, some two or three weeks since, he was released and returned with many other of our surgeons. Doctor Nellis informs me that a formal proposition had been made to Colonel Powell by some of the rebel officers to exchange him for a rebel colonel, R. H. Lee, who is said to be a prisoner in the Old Capitol Prison, and Colonel Powell is anxious that his exchange be effected in this way if it be possible in the midst of the present difficulties on the subject of exchanges. Who this Colonel Lee is I am not fully advised, but am assured that he is

not the officer whom you have been holding as a security for the lives of some of the Government officers in the hands of the rebels. I should be pleased if he could be exchanged, not only to relieve him from his imprisonment, but for the good of the service, as he is needed very much to command his regiment.

Very respectfully,

A. I. BOREMAN,
Governor.

[First indorsement.]

DECEMBER 24, 1863.

The rebel authorities seem particularly anxious to retain Colonel Powell, the reason being well known, to wit, his value to the Union cause. They will not exchange him for Colonel Lee, the latter being disabled. I suggest that General Butler is now making an effort to effect exchanges, and if he succeeds Colonel Powell and his high claims will not be overlooked.

E. A. HITCHCOCK,
Major-General, &c.

[Second indorsement.]

Col. R. H. Lee ordered to City Point in exchange for Colonel Powell, February 2, by telegram.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, December 18, 1863.

Col. E. L. MOLINEUX,
Commissioner for Exchange of Prisoners
On behalf of Maj. Gen. W. B. Franklin, U. S. Army:

COLONEL: I have the honor to acknowledge the receipt of your communication of 15th instant and inclosures, viz, "copies of the telegraphic correspondence between Maj. Gen. W. B. Franklin and Maj. Gen. N. P. Banks."

The approval of Major-General Banks being given to terms proposed by me as commissioner for the delivery of the excess of prisoners in the hands of Major-General Taylor belonging to the command of Major-General Franklin, that excess will accompany the officers and enlisted men whom we agreed to exchange in the cartel entered into between us on the 12th instant, and will be delivered at the place therein indicated. These prisoners are now en route for the point below Vermilionville, and will arrive there in four or five days from the day on which you will probably receive this, but due notice will be given to you so that the prisoners on both sides may reach the spot contemporaneously.

Herewith I inclose a list of eight privates who will be exchanged for Maj. R. A. Howard, C. S. Army, whom you have upon your list of officers in your possession as prisoners. Be pleased to have Major Howard delivered when the others are exchanged at the stage stand.

H. F. Fenner, of whom you write, will be sent down for exchange with Mr. Stockton, as requested by you. Major-General Taylor instructs me to state to you that he will appoint a commissioner to meet the commissioner appointed by Major-General Banks, and suggests the Red River Landing, near the mouth of Red River, as the place of meeting. He requests that General Banks may be informed thereof, and that he will name the time at which his commissioner will be at the place and communicate the same to him so that no delay or detention may be experienced by either party.

Inclosed please find receipts of Lieutenant Herbert and H. F. Fenner for money forwarded to them through district headquarters by flag of truce.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,
Major and Commissioner of Exchange of Prisoners
On behalf of Maj. Gen. R. Taylor, C. S. Army.

QUARTERMASTER'S OFFICE,
Fort Delaware, Del., December 18, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: In reply to your inquiries in reference to the anthracite coal used at this post I answer that there has been consumed since the middle of October last nearly 800 tons of coal, of which 600 tons have been consumed in the general hospital and prisoners' barracks. There was purchased from the prisoners' fund 500 tons, all of which has been consumed. The coal now used in prisoners' barracks is drawn from the quartermaster's department. It will be necessary to have at once 500 tons for use of the prisoners at this post.

Very respectfully, your obedient servant,

S. R. CRAIG,
Captain and Assistant Quartermaster.

[Indorsement.]

FORT DELAWARE, DEL., *December 19, 1863.*

Respectfully referred to Colonel Hoffman with information that upon the within statement I ordered the quartermaster to purchase 500 tons of coal from the Government contractors at Philadelphia at Government prices.

A. SCHOEPF,
Brigadier-General, Commanding.

RICHMOND, VA., *December 18, 1863.*

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Our authorities will not grant permission to Mr. Charles C. Fulton, of Baltimore, to come to Richmond for any purpose.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 18, 1863.

Brig. Gen. S. A. MEREDITH,
Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Can you obtain from Mr. Ould a list of officers captured since his last list was furnished? Mr. Ould's list of deaths to October 1 contained only 133 names. Of course, this is but a small part of those who died, and, as we have furnished full reports of deaths of their prisoners, we have a right to expect they will furnish us similar complete lists of all Federal prisoners who die in their hands or have died.

I would like to have it understood that monthly lists of officers captured and of deaths of officers and enlisted men will be furnished regularly by both parties. I am having lists of prisoners in our hands prepared, in the hopes that there will be no difficulty in carrying out the arrangement.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 18, 1863.

Lieutenant-General POLK,
Commanding Department of Mississippi:

GENERAL: Your letter of the 24th ultimo was duly received and referred to Major Ould the 7th instant. It was mislaid in his office, and, though much search was made for it, it was not returned until yesterday. This will explain the seeming inattention of the Department to your communication. The Department has uniformly decided that the formation of a camp for paroled prisoners, the requirement of these prisoners to submit to military control in the camp, the employment of them for the purpose of organization, discipline, and instruction, did not violate the obligation of the parole or the terms of the cartel between the Confederate States and the United States. The letter of Major Ould is inclosed, so that you may see his views, and also what he says relative to lists of the prisoners.* The Chief of Ordnance reports that arms, &c., may be obtained at Demopolis and Selma.

With much respect, your obedient servant,

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 18, 1863.

Hon. ED. SPARROW, *C. S. Senate:*

DEAR SIR: I hardly know what to promise you in the case of Brigadier-General Adams. If we had captured and paroled any brigadier at Chickamauga, or if there was any Federal brigadier on parole, I might make the exchange. But neither is the case. If one is ever captured and paroled I will make the exchange. I do not like to exchange him for officers of a lower grade. I have encroached so much upon the paroles in my possession for the purpose of declaring exchanged a large portion of the Vicksburg captures that I am not sure I have left any to be used in the way of making further exchanges. I received General Adams' letter, and the difficulties in his case prevented me from making such a reply as I would like to have made. Please assure him I will do everything in his behalf which I can do. I knew the general well twenty years ago.

Yours, very truly,

RO. OULD,
Agent of Exchange.

P. S.—I omitted to state that we cannot afford to exchange any Yankee officers in captivity for General Adams, who is on parole.

R. O.

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*See p. 710.

WASHINGTON CITY, D. C., *December 19, 1863.*

Colonel HOFFMAN, &c.:

SIR: I will thank you to require a report from the commanding officers of the places named in the accompanying copies of a letter from Dr. Montrose A. Pallen, dated at Montreal, in reference to the statement made by Doctor P. with regard to the treatment of rebel prisoners.

Require the officers to forward as conclusive evidence of the facts they may state as may be within their control, and when obtained please furnish me with the papers.

Respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers.

[Indorsement.]

Extracts sent to General Marston, Colonel De Land, Colonel Wallace, and Lieutenant-Colonel Pierson, and report called from each.

[Inclosure.]

MONTREAL, CANADA EAST, *December 14, 1863.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to apply for permission to go to and return from Richmond via City Point, per flag-of-truce boat, upon an errand of mercy, dictated by humanity and charity.

I have this day received communications which reveal the suffering condition of the prisoners of war confined at Johnson's Island, Point Lookout, Camp Chase, and Camp Douglas. Many of these men are without the necessary clothing even to hide their nakedness, and during the late cold weather several absolutely froze to death at Point Lookout, where they are living in tents, and more than half of the 9,000 and more there confined have not even a single blanket for covering or bedding and sleep on the bare ground, which you well know is certainly productive of an immense amount of disease and suffering.

My object in visiting Richmond will be to obtain from the authorities there the necessary amount of funds to supply those men with at least enough of clothing to prevent their freezing.

As the prisoners now confined at Richmond have been permitted by the Confederate Government to receive the supplies forwarded by the United States Government, and also from their friends per express, it is hoped that you will grant this favor as a reciprocal kindness.

I will of course give all necessary guarantees not to divulge anything prejudicial to the United States, or in any wise to communicate aught concerning the war.

I am satisfied that I could obtain from the authorities at Richmond all requisite funds for this specific purpose, to be devoted to that end, and to be distributed as you might deem best.

I would respectfully refer you to the Hon. B. Gratz Brown, Senator from Missouri, to Maj. Gen. F. P. Blair, Representative from Saint Louis, to Major-General Grant, and to Maj. Gen. W. T. Sherman, as to who I am.

I would also most respectfully ask permission to forward from this point such supplies of clothing as are here and such as may hereafter be prepared for the prisoners of war now confined in the various places within the jurisdiction of the United States.

The favor of a speedy reply is most respectfully solicited.

With much respect, your obedient servant,

MONTROSE A. PALLEN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 19, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have before me a letter from Capt. J. G. McKee, Third Georgia, dated Johnson's Island, December 4, 1863, sent by flag of truce, in which he states that the money which had been sent to him was of no avail, because, owing to the removal of the sutler, he and other officers were unable to buy anything either inside or out. I will thank you to inform me what is the true state of this matter. In order also to enable us fully to understand each other, and to act on reciprocal principles, I will thank you to inform me what is the course of your Government in relation to funds sent by private individuals both within your and our lines to our prisoners in your hands. I will also thank you to inform me what is the course as to contributions of food and clothing sent to the same by private individuals both within our lines and yours. I do not think that you will find any indisposition on the part of the Confederate Government to agree to reasonable and reciprocal terms on this subject.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 19, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Captain McKee receives in every respect the same treatment as his brother officers. I saw him in my office a short time ago. He was looking well. He desired an interview with me and I granted it, as I always do when the request is made. His status is that of a prisoner of war.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 19, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: I have made the inquiry you requested some time ago about Maj. B. F. Mosely, Fourth Kentucky Cavalry; Capt. Lewis L. Carter, East Tennessee cavalry; Lieut. E. H. Mason, Twenty-first Ohio; Capt. C. S. F. Dircks, Middle Tennessee infantry, and Private John Wollam, Thirty-third Ohio Volunteers.

Major Mosely's irons were removed before he was taken sick. He falsely represented himself as a lieutenant.

Capt. Lewis L. Carter was a deserter from the Confederate service. He escaped from prison some time ago.

Lieut. E. H. Mason is here in Richmond; he has never been in irons.

Captain Dircks has never been in irons.

Private John Wollam was one of the party who stole the engine on the Georgia State road. He escaped from prison, but was subsequently recaptured and put in irons.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 19, 1863.

Brig. Gen. S. A. MEREDITH, *Agent of Exchange:*

SIR: Authentic information has been communicated to our authorities that Robert Hunt, Thomas Butters, and Francis Traner, seamen, captured on board the Tacony, under the command of Lieut. Charles W. Read, C. S. Navy, are now confined in the Portland jail. I will thank you to inform me why these men are separated from the rest of the crew, and whether they are treated as prisoners of war.

Respectfully, &c.,

RO. OULD,
Agent of Exchange.

HEADQUARTERS GREEN'S CAVALRY DIVISION,
Vermilionville, December 19, 1863.

Col. E. L. MOLINEUX,
Assistant Adjutant and Inspector General, U. S. Army, General W. B. Franklin's Staff:

COLONEL: The general commanding instructs me to acknowledge the receipt of your communication of the 17th instant, and in reply would state that he is satisfied that the officers were not cognizant to any of the outrages committed, and did all in their power to repress anything of the kind. Stragglers and skulkers undoubtedly committed the acts. Romulus McBride and John R. Creighton were citizens of this town; also Louis Couret, taken up the 12th of October. Their families are in great distress, and the general trusts that they will be returned.

I am, colonel, very respectfully, your obedient servant,

E. R. WELLS,
Captain and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 19, 1863.

Maj. Gen. W. B. FRANKLIN,
Commanding Troops in Western Louisiana, New Iberia:

GENERAL: The cartel of exchange was received last night late. It has been approved by the commanding general, who also agrees to having the excess of prisoners paroled according to conditions stated. Do you want the prisoners sent up?

Very respectfully, your obedient servant,

C. P. STONE,
Brigadier-General and Chief of Staff.

HEADQUARTERS FORT MCHENRY, *December 19, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: In reply to your indorsement on the communication of the Confederate surgeons, received December 17, I have the honor to report as follows: The general treatment intended for prisoners of war at this post will best be gathered from post orders. General Orders, No. 49, October 11, 1863, says:

The circular issued by Commissary-General of Prisoners, dated Detroit, Mich., July 7, 1862, will be regarded as the organic law for the government of prisoners of war

at this post, including what are usually termed political prisoners. Every officer connected officially with such prisoners, on permanent or daily duty, will make himself familiar with the contents of that circular, and will strictly carry out its orders in letter and spirit. He will report to the commander of the post any deviations from the above circular in order that they may be remedied in the public interests and for the protection of all engaged in duties of great difficulty and responsibility.

Special Orders, No. 247, November 6, says:

Articles of food or clothing intended for prisoners of war, or Union prisoners, will be left at the exterior gate in charge of the officer of the guard, carefully labeled.

Special Orders, No. 252, says:

The articles left for prisoners at the exterior gate are subject at all times to the orders of the provost-marshal.

A receipt book was placed in charge of the officer of the exterior gate for the registry of articles left for prisoners of war, and as several articles miscarried an order of November 27 enjoins on the provost-marshal "to procure the receipts of the prisoners on the delivery of the articles." This has been done. Special Orders, No. 215, October 1, says:

In pursuance of the recommendation of the post surgeon the prisoners confined in the interior (under charges of being spies, etc.) will be allowed to exercise in the open air for half an hour each day under guard.

A similar order was issued on December 13 in regard to other prisoners of the same class. An order of the same date says:

The provost-marshal, in pursuance of Paragraph IV, circular of Commissary-General of Prisoners, will give notice of any clothing needed for prisoners of war in order that the proper requisitions may be made at these headquarters.

I add the abstracts of provisions issued by the post commissary for two months:

October.	*November.*
(Average of 313 prisoners of war, including political prisoners.)	(Average of 256 prisoners of war, including political prisoners.)
3,307 rations of pork.	2,967 rations of pork.
3,453 rations of fresh beef.	2,529 rations of salt beef.
3,307 rations of salt beef.	2,480 rations of fresh beef.
386 rations of flour.	389 rations of flour.
9,625 rations of hard bread.	7,587 rations of hard bread.
9,780 rations of beans.	7,850 rations of beans.
386 rations of molasses.	1,861 rations of onions.
7,251 rations of rice.	6,215 rations of rice.
10,008 rations of pepper.	7,976 rations of adamantine candles.
10,008 rations of coffee.	7,976 rations of soap.
10,008 rations of potatoes.	7,976 rations of salt.
10,008 rations of sugar.	7,976 rations of potatoes.
10,008 rations of vinegar.	389 rations of molasses.
10,008 rations of adamantine candles.	7,976 rations of pepper.
10,008 rations of soap.	7,976 rations of coffee.
10,008 rations of salt.	7,976 rations of sugar.
10,008 rations of onions.	7,976 rations of vinegar.

Such were the general directions and regulations, the execution of which was confided to a provost-marshal who is described by the accusing surgeons as "deserving all praise." He declares the food to have been good and well prepared, the coffee better than that used by several companies of the garrison. He confesses judgment in the matter of knives and forks and plates. He also acknowledges that water for bathing was not furnished the prisoners. Two brick buildings, formerly stables, 120 by 30 feet, with an upper and lower floor, and two rooms in the interior of the fort were used for the accommodation of an average

of 400 Federal prisoners and 250 prisoners of war, including some thirty political prisoners. Building No. 1 has been fitted up and divided off, and building No. 2 is about to undergo the same process. The policing, privy arrangements, drainage, although not perfect, are, as the buildings stand within a few feet of the water, tolerable. Extensive outlays are being made to remedy whatever is at all defective. The health of the prisoners has been excellent, and since July 20 only one Confederate prisoner (Lewis Call, of Virginia) has died. The post adjutant keeps a ledger account of all money taken from the prisoners of war or sent by their friends, amounting to $1,500 in two months. He pays their orders on the sutler and washerwomen and sends the money with them when they leave. I now proceed to the details of treatment.

Surgeons (*about sixty-five*).—These occupied the soldiers' barracks for two months, and afterward an upper room of brick building No. 1 (120 by 30 feet), alone. There were some fifteen bunks, holding four persons each. Some forty arrived here *in transitu* a day or two before the final departure of all. When the surgeons first arrived in August they enjoyed the freedom of the whole grounds of the fort, but as ten of them escaped, violating, I think, an implied parole, or at any rate (to borrow a phrase from another learned profession), being guilty of sharp practice, I restricted the remainder to an area of three acres. They were visited by scores of friends, chiefly females, and received clothing and delicacies in profusion. The visits were interdicted by the order of September 19 totally, but the supplies were allowed to continue. I found it necessary to refuse admittance to the ladies who brought them, as when admitted they acted in some instances upon the principle that, "All was fair in love and war," and disobeyed the rules of the post. It was for this, I suppose, that I am indebted to the surgeon's unfavorable diagnosis of my character, which has filled me with astonishment rather than any other sensation. I rarely exchanged words with them, and never unkind ones. I was told that they did not hesitate to express satisfaction with their treatment. They appeared to enjoy their daily game of ball greatly. When the surgeons left I took from them vast supplies of clothing and other articles, leaving all they had when captured, and at least a full suit. But I thought it politic (not just) during the negotiations concerning our prisoners at Richmond to forward the huge pile of redundant articles to General Meredith, who restored them. Twelve Government blankets were distributed among the surgeons.

Wounded officers (*twenty-nine*).—These occupy the large room previously assigned to the surgeons, with the parole of the same grounds. One of them, Colonel Connally, of North Carolina, has a tent with young Latrobe, of Maryland. They are fully supplied with clothing from Baltimore, as they came from our hospitals to this post. Most of them had blankets. Captain Baylor, of Virginia, had a tent also. Several of these have bedding.

Other prisoners of war (*about 130*).—These, including a few officers, occupy two rooms (each sixty by thirty feet) of the upper floor of brick building No. 2. They have received and are receiving clothing from friends, and are comfortably clad. Several have applied recently to the provost-marshal for clothes, who has furnished one or two suits and will furnish, when called upon, whatever is needed. They are allowed to go out upon a balcony for sun and air during the day, and go down into the prison yard for water, roll-call, and to the sutler, under guard, to purchase allowable articles. Some ninety Government

blankets are distributed among them. Soft bread has been allowed to several who needed it. Some few have bedding. Eight prisoners who attempted to escape occupy a smaller room, but are not in irons.

Offenders against the law of nations (*twenty-six*).—These, accused of being spies, pirates, recruiting within our lines, under sentence of death, &c., occupy two rooms in the interior of the fort. Only a portion are in irons. The doors are open all day to admit air and light, and exercise in the interior parade is allowed for half an hour each day. Some have received U. S. blankets. Most of them have received food and clothes from friends.

Hospital.—I can imagine, as a layman, no hospital in better condition. The prisoners of war are admitted as freely (as patients) as our own soldiers. A case of smallpox occurring some two weeks ago, all prisoners were vaccinated.

In reply to the allegations concerning a remark of Lieutenant Webster, the commissary of prisoners, to one of the surgeons, I would state that that officer was busy in attending to his onerous duties when he made the reply in question. This was about the time when reports were prevalent of the extraordinary treatment of our prisoners at Richmond. By the side of what he said should be placed the record of what he did. He inquired into the matter when his duties permitted, and could find no prisoner without breeches. The provost-marshal says that no prisoner to his knowledge left in that condition. The commissary of prisoners has nothing to do with their clothing, and no official character can be attached to his remark, which was accompanied by the observation that—

> Considering how our prisoners fared at Richmond the demand was rather extraordinary, but that he had nothing to do with the clothing.

I have replied, I believe, fully to the communication referred to me; not by mere answers to special allegations, but by the fullest information concerning the treatment of prisoners here. I do not claim that the prison arrangements are perfect, but I do claim that humanity has something to do with all the regulations of this post, and that I shall be thankful if the chance of war shall never subject me to greater hardships than are felt in prison life at Fort McHenry.

I remain, colonel, very respectfully, yours,

P. A. PORTER,

Colonel Eighth New York Heavy Artillery, Commanding Post.

WASHINGTON, D. C., *December 19, 1863.*

Brig. Gen. L. THOMAS,

Adjutant-General U. S. Army, Washington, D. C.:

In compliance with the instructions contained in a letter addressed to me from your office on the 2d instant, a copy of which is herewith appended, marked A, I proceeded to Columbus, Ohio, and investigated the circumstances connected with the imprisonment and escape of John H. Morgan and other rebel prisoners of war recently confined in the Ohio penitentiary. I have now the honor to submit a report of my investigations.

On the 5th instant I presented in person my instructions to His Excellency Governor Tod. He expressed himself as pleased with my mission and as desirous to have the Government fully informed of the particulars of Morgan's escape. He then gave me a succinct history

of the capture, imprisonment, and escape of Morgan and his companions; stating that on the day the escape was discovered (November 28) and the following day every house and building, without exception, in Columbus was searched by his orders; that information of the escape was sent by telegraph to all parts of the State and elsewhere immediately; that a reward of $1,000 was offered for the apprehension and delivery of Morgan, and that this reward was subsequently increased to $5,000.

The Governor also informed me that he had ordered a thorough investigation of the whole matter of escape, and that it was then being prosecuted by Quartermaster-General Wright, to whom he introduced me, requesting him to give me every facility in his power for arriving at the facts in the case. This was very cheerfully done by General Wright, who accompanied me twice to the penitentiary and who permitted me to read his report as it was being made up, and when completed gave me a duplicate, which I respectfully submit herewith.*

For convenience of reference I will classify my report according to the different objects of inquiry required by my instructions.

First. The mode in which Morgan and his companions were treated while imprisoned at Columbus, Ohio:

On the 30th of July, 1863, General John H. Morgan and some thirty other rebel officers were, by and with the advice and consent of Governor Tod, transferred to the warden of the Ohio penitentiary by General Burnside. On assuming the custody of these prisoners the warden took charge of their money, jewelry, and other effects. They were then required to conform to the sanitary regulations of the prison, viz, bathe, have their hair cut, and faces shaved.

The newspapers having commented rather freely on these steps, Governor Tod heard of them and went to the prison and assured General Morgan that these seeming indignities were the inconsiderate acts of the prison officers, and were not prescribed or sanctioned by any military authority. Morgan seemed satisfied with this explanation, and treated the loss of his beard and mustache, which was the principal grievance, as simply an accident.

In order to keep these prisoners separate from the convicts a board partition was put up across the open space in front of the south face of the cell block in the east wing of the prison. In the daytime they were allowed to assemble in this open space or hall, 160 feet long and 11 wide, and walk, talk, &c., at pleasure.

They had two meals a day by themselves in the prison dining-hall; one between 7 and 8 a. m., the other between 3 and 4 p. m. In addition to the prison fare the United States furnished them with coffee and sugar, and after about two weeks confinement they had fresh white bread in lieu of the prison bread. Their fare was always good and sufficient, and better than the army rations. For awhile they were allowed to purchase from their own funds, through a steward, extra articles of food, but this was discontinued by an order from the commissary of prisoners.

They were allowed, and kept furnished with, one suit of outside garments and two suits of underclothing, the latter being regularly washed and ironed for them.

At night they were locked up in separate cells occupying the first and second tiers, *i. e.* the tier on the ground floor and the one immediately above; the number of prisoners having been increased to about seventy.

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* See p. 665.

They were allowed lights (candles) one hour after the gas was turned off, viz, 8 p. m., but were not allowed to talk or make a noise after the convicts were locked up, viz, between 5 and 6 p. m. They were also allowed books.

At first their cells were swept and scrubbed by convicts; afterward by themselves. Their night buckets and spittoons—being allowed tobacco—were always emptied and cleaned by convicts.

All their correspondence passed under the inspection of the military authorities. No persons were allowed to visit them except on written authority from the military commander.

The sick were carefully provided for in the prison hospital.

After the escape of Morgan the remainder of the prisoners of war were kept confined to their cells (in second and third tiers), except at meal times, until the 12th of December, when the warden resumed the custom of allowing them to assemble in the hall for exercise, &c.

Second. The precautions taken to guard the prisoners:

Up to the 3d or 4th of November last these prisoners were exclusively under the control of the warden of the penitentiary, excepting their correspondence and visitors. A military guard of twenty-seven men was detailed daily and placed under the orders of the warden. During the daytime, while the prisoners were out of their cells, a sentinel was placed at each end of the open space or hall in which they were allowed to promenade. The balance of the guard were kept outside the prison building, ready to be called upon in case of need. At meal times an additional guard was taken inside to escort them to and from the dining-hall and watch them while eating.

The cells were inspected during the day by one or more of the prison watchmen.

After the prisoners were locked up for night the military guards were dismissed and a prison watchman took exclusive charge. He inspected the cells with a light at stated periods during the night and remained constantly in the open space around the cell block. (See report to Governor Tod, p. 20, affidavit of J. E. Watson.*)

It was assumed that when the prisoners were locked up in their cells they were perfectly secured—an unfortunate assumption, as the sequel proves.

On the 4th of November there was a change in this programme. By an agreement between the prison authorities and the military commander at Columbus (Brig. Gen. John S. Mason) a new steward, appointed by the latter, entered upon certain duties respecting the rebel prisoners on that day. What these duties were is now a matter of controversy. The prison authorities claim that this new steward, Sergeant Moon, by their arrangement with General Mason, took the place both of their steward and their watchman in the daytime, and that they relinquished all control over these prisoners and their quarters from the time they were let out in the morning until they were locked up in the evening (report to Governor Tod, p. 38, affidavit of warden†), while General Mason claims that he never took charge of these prisoners or their quarters, and that the steward appointed by him was placed under the orders of the warden, except in the matter of purchases for the prisoners and their correspondence. (Report to Governor Tod, p. 16, General Mason's letter.‡)

From this misunderstanding of their respective responsibilities the usual critical inspections of the cells of the prisoners in the daytime

* See p. 674. † See p. 676. ‡ See p. 670.

were discontinued from that date, November 4; in other respects the guards and discipline continued about as before described.

Third. The manner in which the escape was effected:

In the interior of the building in which the rebel prisoners were confined is a block of masonry 160 feet long and 20 wide with an open space all around 11 feet wide between it and the exterior walls. In the sides of this block are five tiers of cells, thirty-five in each tier, each cell having an iron latticed door opening out into the open space in front of the block. The upper tiers connect with the hall floor by iron stairways and narrow balconies also of iron.

The cell block is divided longitudinally by a middle wall resting on a foundation wall parallel to those of the sides of the block. Between the inner surfaces of these foundation walls is a space of six feet; over this is sprung an arch of brick eighteen inches thick, with a rise of twenty inches. This arch and the foundation walls, with the natural surface of the ground below (which has a gentle slope downward from west to east through the whole length of the block), form an air chamber underneath the first row of cells, and extending east to the exterior wall of the building, through which is an opening closed with iron bars. At the east end of this chamber the crown of the arch is sixty-six inches above the ground; at the west end, thirty inches. The arch is covered with mortar three inches thick over the crown and made level; over this is placed three inches of cement forming the floors of the cells.

This air chamber may readily be discovered by stamping on the floor above. The beds in the cells occupied by the rebel prisoners were on the left-hand side of the entrance. Under the bed in cell No. 22, in the farther left-hand corner, an elliptical hole thirteen by fifteen inches was cut through the cement and mortar and an entrance effected into the air chamber by removing some of the bricks in the arch. This work was done probably with the prison table knives stolen for this purpose. The clippings from the floor were picked up and put in a carpet-bag, and this bag was placed upright in the corner, covering the hole in the floor. This simple method of concealment was successfully practiced until the escape was effected.

After access was gained to the air chamber it was explored with lights, the prisoners having candles and matches. The outlet to the chamber being closed by a large bank of coal, the rebels concluded to dig a lateral passage out to and under the exterior wall of the prison building. To do this they dug under the foundation wall of the cell block, removed some of the bottom stones, and then worked out an irregular arch through that wall, then they dug a narrow passage through the earth between the foundation wall of the cell block and the foundation wall of the prison building. This latter wall was then undermined, some of the stones removed, and a hole made through it. The earth and stones excavated were taken back into the air chamber by means of a small coal-box and a cord. Having gotten outside the foundation wall of the prison building, a vertical pit was run up to near the surface of the ground. In the meantime the bricks and mortar were removed from the crown of the arch of the air chamber in six places leading into six other cells and a portion of the cement was also cut away from below, leaving only a thin crust which could be readily broken by a pressure of a foot from above. The cell floors being cold and damp, one board was allowed in each to stand on; this board protected the weakened part of the floor from accident.

On the night of November 27 John Morgan managed to exchange cells with his brother Dick, without being discovered (John's cell was

in the second tier, Dick's in the first). The warden informed me that he thought this change could have been easily made at any time, as John Morgan and his brother Dick are about of a size and build, and as no special attention has ever been given to see that the prisoners were in their own cells, the custom being to have the inmate pull his cell door to when the turnkey came around to lock up for night; that was the proof that the prisoner was within, and the whole number locked up being reported, if this number agreed with the number of prisoners, all was right.

John Morgan being in the desired cell, the plan of escape was ripe for execution. Dummies made of extra clothing and bedding were put into the cots to represent the occupants abed; the latter then gently broke through the shell of a flooring and decended into the air chamber. The pit outside the prison building was opened to the surface and Morgan and his "six Confederates" were in the prison yard, but had still a wall of about twenty feet in height to scale before they would be free. This was accomplished by means of ropes which they had manufactured for the purpose out of bedticks, towels, &c. It is supposed that by climbing upon a gate a rope was thrown over the wall so that one man got up and secured the rope ladder and then the others passed over easily.

From a note left in the air chamber, addressed to the warden of the penitentiary, it appears that Capt. T. Henry Hines was the chief engineer; that the work was commenced in his cell (No. 20) on the 4th of November; was prosecuted three hours a day and completed November 20. A copy of this note is appended, marked B.

Fifth [Fourth.] Upon whom rests the responsibility of the escape of Morgan:

It is claimed by the warden and directors of the Ohio penitentiary that their custody and control of the rebel prisoners, during the day, ceased on and after the 4th of November, 1863; also that the escape could not have been effected in the manner it was had the prisoners remained under their charge, for the reason that the cells would then have been inspected daily. (See their printed statement appended.*)

The entry of November 3 in the record book of the prison (report to Governor Tod, pp. 14 and 15; also p. 21, A) does not show that the warden and directors proposed or desired to relinquish the custody of the rebel prisoners to General Mason. Nor does any subsequent entry show that such custody was ever relinquished by them.

The affidavit of Major Skiles (report to Governor Tod, p. 26, G†) shows that whatever may have been the warden's previous opinion he was, by his own admission, "responsible for the safety of the rebel officers" from and after November 20.

It appears from the affidavits of Captain Lamb and Lieutenant Goss (report to Governor Tod, pp. 23–25, E and F†) that the warden attributed the escape of Morgan to the discontinuance of the practice of having the cells swept out daily by convicts under charge of a prison keeper; also that this discontinuance was by order of the prison authorities.

A party of convicts under charge of Watchman Scott did, however, visit the cells of these prisoners daily and take away their night buckets, clean and return them. (Report to Governor Tod, p. 34.)

It also appears that said Scott locked up the rebel prisoners or a portion of them on the evening of the escape. (Report to Governor Tod, p. 7.)

In view of the evidence and facts here presented it is difficult to relieve the officers of the penitentiary from all responsibility in the

* See p. 730. ‡ See p. 672.

custody of the rebel prisoners, or to exonerate them from all blame in the escape of Morgan, even admitting that all the preparatory work for escape was done in the daytime, which seems hardly probable, particularly the first step—the cutting through the floor in cell No. 20.

The affidavits of the officers of the penitentiary (report to Governor Tod, p. 36 and following*) are entirely at variance with the statement of General Mason. (Report to Governor Tod, p. 16.†) The latter is strongly supported by the affidavit of Major Skiles (report to Governor Tod, p. 26‡), while the former are sustained by the affidavit of the watchman—Scott. (Report to Governor Tod, p. 33.§)

Doubtless all these statements were made in good faith, but they illustrate but too plainly the great impropriety of intrusting public interests of importance to the infirmities of human memory when it can be avoided. Had the agreement between General Mason and the prison authorities been reduced to writing and put on record both parties would have distinctly understood their responsibilities and doubtless each would have faithfully discharged its duties.

Taking, however, General Mason's own statement as a guide, it would have been eminently proper and quite within the legitimate sphere of his duties for him to have ordered, after the 4th of November, periodical inspections of the rebel prisoners and their quarters by a reliable commissioned officer of his staff.

Lieutenant Judkins, of General Mason's staff, had charge of the funds belonging to the rebel prisoners after the 4th of November and made purchases for them. In some of these purchases he was extremely indiscreet, providing them with watch spring saws (report of Captain Lamb and Lieutenant Goss appended, marked C), with which all the bolts and bars in the prison could have been sawn asunder. It is not known that any improper use was made of these tools, but had there been no bank of coal at the mouth of the air chamber it is more than probable that they would have been used in removing the iron bars closing it. That a high value was placed upon these saws by the prisoners themselves is patent from the fact that they were found carefully hid away.

The affidavit of Sergeant Moon (report to Governor Tod, pp. 27, 28‖) differs somewhat from General Mason's statement respecting him. (Report to Governor Tod, p. 17.†)

If this sergeant is an honest man he can hardly be considered a close observer; certainly not a shrewd detective; for whether General Mason or the warden of the penitentiary had the custody of the rebel prisoners Sergeant Moon was certainly placed in the immediate charge and control of them. It was his place to be generally present with them in the daytime, to see that they were properly cared for and duly watched. If the hole through the floor in cell No. 20 was cut in the daytime, he ought to have discovered the men while at the work unless he was criminally blind. I am, however, of the opinion that this hole was cut after the prisoners were locked up, notwithstanding the contrary opinion of Watson, the watchman. (Report to Governor Tod, p. 32.*) It is plain, however, that the main work below was done in the daytime, and that the men engaged in it passed through cell No. 20 into the air chamber. That cell must necessarily have possessed unusual interest to the rebel prisoners, and it is very hard to conceive that no suspicious circumstances surrounded it during all the time, over three weeks, between the commencement of the work and the escape.

When I wished to examine Sergeant Moon on these points I learned that he had been sent to Chattanooga with a party of soldiers, but

* See p. 674. † See p. 670. ‡ See p. 672. § See p. 675. ‖ See p. 673.

would return to Columbus after awhile. I learned, however, from Colonel Wallace, the present military commander at Columbus, that Sergeant Moon took the watch of General John Morgan to a jeweler's in Columbus to be repaired on the day of his escape (November 27), and did not ask for permission to do so, as was required by orders. He called for the watch on the evening of the same day, but it had not been repaired then; he called for it several times the next day, when Colonel Wallace, hearing of it, took possession of the watch himself. This circumstance shows at least that the sergeant held improper intercourse with John Morgan.

Taking all these things into consideration, I think Sergeant Moon is justly chargeable with neglect of duty and liable to suspicion of complicity in the escape of Morgan.

In conclusion, it is plain that from the loose arrangements between the prison authorities and the military commander resulted a divided and undefined responsibility, and then naturally followed a relaxation of vigilance, which the prisoners had the address to turn to their own account.

I am, general, very respectfully, your obedient servant,

O. A. MACK,
Major and Aide-de-Camp.

APPENDIX A.

Copy of letter of instructions.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 2, 1863.

Maj. O. A. MACK, U. S. Army, *Washington, D. C.:*

SIR: The Secretary of War directs that you repair to Columbus, Ohio, and inquire into the circumstances of the recent escape of John Morgan, a rebel prisoner, from confinement at that place. Ascertain the mode in which he and his fellow-prisoners were treated while in confinement; the precautions taken to guard them, and upon whom rests the responsibility of the escape of Morgan.

His Excellency Governor Tod is requested to aid you in making this investigation; having completed which you will return to this city and make your report.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

APPENDIX B.

Copy (made from memory) of note for warden of Ohio penitentiary left in the air chamber.

Superscription: "Hon. (!!) N. Merion, the watchful, the vigilant.

"CASTLE MERION, CELL NO. 20.

"Commenced work November 4; number of hours worked per day, three; completed work November 8; tools, two small knives. '*La patience est amère, mais son fruit est doux.*' *

"By order of my six confederates:

"T. HENRY HINES,
"*Captain, C. S. Army.*"

*Patience is bitter, but its fruit is sweet.

Printed statement of officers of the Ohio penitentiary.

OFFICE OHIO PENITENTIARY,
Columbus, December 4, 1863.

EDITORS OHIO STATE JOURNAL:

The officers of this institution have been blamed for the escape of John Morgan and six of his confederates. Justice requires of us the following statement:

On the 2d or 3d of November General John S. Mason and the directors and warden had a conference on the propriety of placing the prisoners of war under military government. It was then agreed that General John S. Mason should continue the military guard and also appoint a surgeon, who should attend to the sick, and a camp steward, who should see that the cells were examined and cleaned and attend to all the wants of the prisoners.

In pursuance of this agreement General Mason immediately appointed a surgeon and steward, and the warden paid to him the money belonging to the prisoners of war in his hands. From this time the officers of the prison did not examine the cells, nor did they consider it their duty to do so.

We do not say that the prisoners would not have escaped had they continued under our charge, but we do say that they could not have escaped in the manner they did had they continued in our charge, for the reason that while in our charge every cell was examined daily.

N. MERION,
Warden.
THOS. SPARROW,
J. J. WOOD,
Directors.

—

$5,000 reward.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, December 3, 1863.

Additional reward for the arrest of John H. Morgan.

I am authorized by the Governor of Ohio to increase the reward for the apprehension and delivery to the U. S. military authorities of the rebel General John H. Morgan to $5,000, which sum will be promptly paid upon his delivery as above.

WM. WALLACE,
Colonel Fifteenth Ohio Volunteer Infantry, Commanding.

—

Printed letter of Governor Tod to warden of the Ohio penitentiary.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, December 11, 1863.

N. MERION, Esq., *Warden of Penitentiary:*

DEAR SIR: Deeply chagrined and mortified as I was to hear of the escape of John Morgan and six other Confederate prisoners, I am glad to know from the report of Messrs. Wright and Hoffman, just handed to me, that there is not the slightest evidence to be found of fraud or corruption on the part of the officers, either civil or military, concerned in their custody, nor on the part of any individual or citizen without or within the prison; but that the sole reason for their escape is to be

found in the misunderstanding of General Mason and yourself as to which of you should, after the 3d of November, be responsible for and have the care of the inspection of the cells.

To avoid danger of a like occurrence I have now to request that you take upon yourself the entire charge and responsibility of the safe-keeping of these prisoners. That you, and you alone, select and employ all guards and other assistants which you may deem necessary for a faithful and vigilant discharge of this duty. You are at liberty to make requisitions upon me for everything necessary to enable you to comply with this request, and it shall be promptly forwarded to you. I have furnished Colonel Wallace, commander of this post, with a copy of this letter of instructions and directed him to conform his actions thereto.

Respectfully, yours,

DAVID TOD,
Governor.

APPENDIX C.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, December 12, 1863.

Col. WILLIAM WALLACE,
Fifteenth Ohio Vol. Infantry, Comdg., Columbus, Ohio:

COLONEL: In obedience to your orders I proceeded on the morning of the 2d day of December to the Ohio penitentiary, with Lieut. M. W. Goss, to search the persons, clothes, and cells of the rebel prisoners of war now confined there.

The examination lasted over and occupied most of three days. The prisoners were stripped and their clothing and persons examined, their cells thoroughly searched and all their clothes and baggage removed. We found Confederate money in sums varying from $25 to $1,200, gold and silver watches, pocket knives, and pipes. From one was taken $20 in U. S. money, from another $42.75 in gold and silver, which had been concealed in a cravat and a boot. Some other small sums of U. S. money were found, but no attempt had been made at concealment.

We also found three steel frames for using spring saws, and some thirty-five saws, very fine, and tempered to cut steel or iron, which were found in lots of five to one dozen. These frames and saws were bought for and given to the prisoners by Lieutenant Judkins, aide-de-camp on General Mason's staff, to assist them in making rings and trinkets of bone, gutta-percha, &c. An examination of the bars, locks, and catches showed that they had not been used improperly. We found the cells very dirty, not having been swept for some weeks, nor an examination made of them by the prison authorities. Their cells were thoroughly cleaned and all their surplus baggage and clothes packed up, labeled, and removed, limiting each man to a change of clothing.

Very respectfully, your obedient servants,

R. LAMB,
Captain and Aide-de-Camp.
M. W. GOSS,
First Lieutenant and Aide-de-Camp.

APPENDIX D.

Intercepted letter from Dick Morgan to Miss Sallie C. Warfield, Lexington, Ky.

DECEMBER 5, 1863.

MY DEAR SALLIE: I will endeavor to write you a letter, but fear it will not prove very interesting, for I am not in the very best humor and

my hands are so cold I can scarcely hold a pen, and know that before I finish this to night will have to warm them over the gas, for it's the nearest approach to fire we have, having been kept locked up in our cells (except for two meals per day) ever since John's escape, a week since.

So far we have gotten along very much better than I expected, supposing that from our close confinement to the cells a great many would have suffered from rheumatism, &c. Some two or three of the older officers have been made quite sick, but there is no help for it, as they are no longer allowed to be treated in the hospital. What may yet be the result if we are kept in our cells much longer I am afraid to say. Being blessed with an excellent constitution, I have had the good fortune to enjoy excellent health since my imprisonment and manage to pass the day very well, reading, singing, and whistling in a very low tone, exercising as much as we can in a room seven by three and six feet deep. It would be some consolation if I were permitted to talk to my next cell neighbor, but this is strictly forbidden, and if I am caught at it will be put in the "black hole," a place even smaller than our cells and where one can scarcely breathe, as I have been informed by some of my brother officers who have had the honor of visiting this secluded spot, who were placed there for such offenses as reading a paper or talking in a loud voice. It was only a few nights since that one of the officers was caught at night telling his next cell neighbor the day of the month, when he was taken to the "hole" and not even permitted to take a blanket with him, and a bitter cold night, too. Just to think, this has to be submitted to without a murmur or you are kept longer for complaining. This punishment is always inflicted by some of the penitentiary guard, whose duty during the day is to guard the convicts at work and for amusement at night to detect some of us infringing some penitentiary rule. Is not this pretty hard to bear? And still there is no help for it. Should we complain to the military authorities their reply is, generally, "Make your complaints known in writing," which, when done, is the last heard from it.

To-day I asked Captain Lamb, aide-de-camp to the commandant of this post, by whose authority it was we were kept in solitary confinement. His reply was "that he did not know whether by military [or] State, or by orders of the warden of this penitentiary." So, you see, between hawk and buzzard we are pretty well picked before going through all their hands.

Four days since we were visited by two officers, whose duty it was to inspect, which I assure you they did most effectually—taking away all the clothes which they had permitted us to purchase; also money, watches, knives, postage stamps, tobacco, pipes, and various other articles too numerous to mention; suffice it to say, everything. "Man's inhumanity to man, &c."

I have often heard our soldiers complain of their ill-treatment in Northern prisons, and always made allowance for exaggeration, but since I have experienced a little of their conduct toward prisoners it will most certainly have a great influence on my own conduct toward any prisoners I may ever take should I be so silly as to do so.

I am forming resolutions for the future, I think, rather prematurely, don't you think so? and had better wait until I get out of this, of which I see very little prospect at present unless John has reached Richmond and can there make some arrangement for exchange or succeed in having us placed in some other prison where we can receive such treatment as is generally extended toward prisoners of war.

Now to warm my hands over the gas. Since my hands have become somewhat thawed I will tell you how John escaped. He occupied a cell on the second range and I one on the lower range, which is on a level with the ground. Immediately under the lower range there is an arch of brick upon which the cells are built; the thickness from the floor of the cell to the arch is about two feet and a half. A hole was cut through the cell adjoining mine. When the arch was reached, large enough for a man to stand in, six officers were let into the secret and each performed their turn of duty each day, digging with knives in the direction of the main wall. Finding it too compact to cut through, it was determined to mine under it, which was done until they reached within six inches of the surface of the ground in an adjoining yard, which was surrounded by walls at least twenty feet high. They made a rope of the bed clothing, and the night they proposed escaping I exchanged cells with John. I forgot to mention that as soon as they had mined beyond the wall of this building holes were cut through the floor of seven cells into the arch.

Just after the night watch had gone the rounds (about half past 9 p. m.) they passed into the arch and removed this six inches of earth, which placed them in the adjoining yard, and on a shed two of the stoutest placed a third, who succeeded in reaching the top of the wall, where the rope was fastened. They then passed over this and found themselves still inside of the main wall surrounding the penitentiary, which they succeeded in scaling with the assistance of their rope and a gate. Their escape was not found out till next morning about 7 o'clock, when, seeing the cell I occupied vacant, they thought I had gone, and were very much delighted when they went to John's cell, and, seeing me in there, supposed it was him; but how blank they looked a short time afterward when they saw their mistake and that the bird had flown.

How they succeeded in doing all this work without being found out is wonderful, for there is always some of the officials present, and not exceeding eight of us knew it until two days previous to their escape, although they had been at work for nearly a month. Many a sleepless hour did I spend, fearing detection, and I never spent time in such horrible suspense as the hour previous and the two hours succeeding their departure.

Captains Sheldon and Taylor, who escaped at the same time, were recaptured at or near Louisville and were brought back here to-day, and are in the penitentiary somewhere—[where] I can't say, but suppose in the black hole. Was ever such treatment heard of? Punishing a prisoner for attempting to make his escape when by all civilized nations it is considered legitimate for a prisoner to make his escape, if possible, even with the life of his guard, if he can effect it!

About six weeks since two of our officers were betrayed by a soldier at Camp Chase whom they had paid to assist them off. They were handcuffed, brought to Columbus, and placed in jail with negroes, thieves, and Yankee deserters, and afterward were marched through the street to this place, and on their way were hooted and thrown at by the rabble. What's your opinion now, dear Sallie, of the people composing what they call "the greatest country the sun ever shone on?"

John's not having been heard from leads me to believe he has made good his escape, and presume by the time you receive this he will have reached Richmond, where if our exchange cannot be effected he may succeed in having the same treatment meted out to our prisoners as they

do to us. He was not allowed to communicate our condition to our Government when he was here, and still our Government allows the friends of prisoners held by them to send clothing, edibles, &c., to them.*

Truly,

———— ——.

SUNDAY, 9 A. M.

I was never more astonished in my life than I was just now when I went in to breakfast, when I heard that Basil, Cally, and two other officers had been put in the "black hole" for talking last night and were caught by one of the penitentiary attachés. They were all released this morning except Basil, who they say is not humble enough yet to let out. I suppose he will remain there until Monday, if not longer. Cally says it is the most terrible place he was ever in and was covered with green mold when he came out. Is not this terrible? To be taken up when you least expect it and subjected to such infamous punishment. Do not speak of this for fear ma might hear it and would only make her unhappy and do no good. This treatment will profit the Yankees when we get out. Cally says he was not talking, so you see it makes very little difference whether it is the innocent or guilty they punish, just so it is some Confederate officer to vent their spite upon.

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THE STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, December 11, 1863.

Colonel WALLACE, *Commander, &c.:*

Herewith you have copy of a letter of instructions to N. Merion, esq., warden of the Ohio penitentiary, relating to the care and keeping of the rebel prisoners therein confined, and I ask that you conform your action thereto.

It is entirely impracticable to have any divided responsibility in the performance of this duty, and as the warden has the sole charge of the convict prisoners confined within the same walls it is indispensably necessary that he have the charge of the rebel prisoners. All requisitions made upon me by the warden for aid or assistance within your power as military commander at this post will, after approval, be referred to you.

Very respectfully,

DAVID TOD,
Governor.

———

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, December 19, 1863.

Brig. Gen. W. R. BOGGS, *Chief of Staff:*

GENERAL: In view of the condition of the prisoners of war in my possession belonging to the command of Major-General Franklin, my inability to supply them with the clothing and blankets necessary to prevent great suffering to them, and the difficulty of furnishing them with subsistence and guarding them, I proposed to General Franklin to appoint a commissioner to meet one of his own appointment to negotiate for the exchange of these prisoners as far as he had prisoners in his hands belonging to my command and to deliver the excess, with

* Remainder of letter, containing strictly personal matter, here omitted.

suitable agreements as to the observance of their paroles and recognition thereof by Major-General Banks. Accordingly, this proposition was accepted by General Franklin, and he appointed Colonel Molineux, inspector-general on his staff, to meet Major Levy, inspector-general on my staff, and these officers, meeting at a point near New Iberia, agreed upon a cartel, of which the following is a substance:

All the officers held respectively by General Franklin and myself have been exchanged, officer for officer of like grades, and the excess of officers on the basis established in the old cartel agreed upon between Commissioners Hill and Dix in 1862. Under this agreement an aggregate of 257 Federal prisoners are exchanged and 314 C. S. prisoners. The excess in my hands, numbering about 450, are to be delivered to General Franklin with the distinct understanding that their paroles are to be held binding, and that in the event of their not being recognized by the United States Government the prisoners are to be returned to me; this excess thus delivered not to be included in any general exchange without my consent. The approval of General Banks has been given to the arrangement and agreements, and all the prisoners are now en route to the point of delivery. General Banks has also agreed to appoint a commissioner to meet one of my appointment to agree upon the terms of a cartel, which shall embrace the exchange and delivery of these prisoners who have been heretofore captured from our respective commands, and also those who may hereafter be captured. I have already submitted to General Banks the basis on which I am willing to enter into that cartel.

I desire to be informed if the lieutenant-general commanding wishes me to include in the cartel the exchange and delivery of all prisoners who may have been or may be captured from Major-General Magruder's command, as we have a large excess in our favor, and General Banks is operating in General Magruder's district as well as mine. I have no doubt the arrangement to include captures from his command will be made.

I am, general, very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding.

Brig. Gen. S. A. Meredith, U. S. agent of exchange, denies that he has complained to his Government of the non-delivery of clothing as intimated in a letter from General Winder to Lieutenant-Colonel Boyd, U. S. prisoner of war.

[Indorsement.]

DECEMBER 19, 1863.

Respectfully referred to Brigadier-General Winder. I will thank General Winder to return this paper to me when he is done with it.

RO. OULD,
Agent of Exchange.

HEADQUARTERS FORT DELAWARE, DEL.,
December 20, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: In reply to your communication of 14th instant, ordering a full report in regard to the necessity of erecting a contagious hospital on the Jersey shore, I have the honor to inclose surgeon's report,

which exhibits a great reduction not only in the number, but also in the form of the disease. The total number of patients in the contagious hospital this day is only 113; in October and November it was over 200. My letter of the 7th instant to you, and that of Doctor Silliman, of November 5, to the Surgeon-General, advises the erection of a tent hospital on the Jersey shore, which I will have done as soon as Surgeon Silliman advises me to do so. On account of the great abatement of the disease I have ample hospital room here, and Doctor Silliman and myself are of the opinion that the erection of a new frame hospital would be a useless and unnecessary expense, and before it could be accomplished the disease will most probably have entirely disappeared. Awaiting your final decision in this matter,

I am, very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General, Commanding Post.

[Inclosure.]

POST HOSPITAL, *Fort Delaware, December 17, 1863.*

SIR: In accordance with instructions received I have the honor to make you the following report, viz:

Total number of patients admitted into the contagious hospital from September 1, 1863, to December 17, 1863, 526.

	September.		October.		November.		December 1-17.	
	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.	Admitted.	Died.
Variola	23	7	200	78	138	70	27	21
Varioloid	17	1	14	.....	73	.....	34	.....
Total	40	8	214	78	211	70	61	21

Morning report December 17, 1863:

In hospital	115
Died	1
Total	114
Total number in hospital from September 1	526
Total number deaths	177

Respectfully submitted.

WILLIAM F. WOOLSEY,
Acting Assistant Surgeon, U. S. Army.

WAR DEPARTMENT, *Washington, December 21, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: The Secretary of War directs that you instruct the officers in command at Camp Douglas, Fort Delaware, and Point Lookout to turn over to the officers that may be designated by the Secretary of the Navy such of the prisoners of war under their charge as will take the oath of allegiance and enlist in the Navy of the United States. A weekly report of the men so transferred will be transmitted for the information of the Secretary of War.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 21, 1863.

Maj. Gen. W. B. FRANKLIN, *Commanding U. S. Forces, &c.:*

GENERAL: I have the honor to acknowledge the receipt of your dispatches of December 15, 1863, transmitting the cartel for the exchange of prisoners and the accompanying correspondence and documents.

In answer to the inquiry presented by Maj. William M. Levy, major and commissioner of exchange for Major-General Taylor, C. S. Army, dated at New Iberia, December 13, you are hereby authorized to say that I will agree if the prisoners in excess of our prisoners are paroled and delivered to you they will be held as paroled prisoners of war and only released therefrom if when duly exchanged by agreement entered into between Major-General Taylor and Major-General Franklin (or the commanding officer of the forces of the United States), and if it shall be proposed to include these paroled prisoners in any exchange to be effected under a cartel between the two Governments for the general exchange of prisoners of war formal notice shall be given of such desire to Major-General Taylor by Major-General Franklin (or the officer in command of the forces of the United States), and in the event of the paroles not being recognized by the Government of the United States or its authorities I will agree to return these prisoners to Major-General Taylor.

In reference to the capture of William M. Gatchell, a correspondent of the New York Herald, you will say that we regard him and other gentlemen of his profession as standing upon the same basis as other non-combatants. His professed intention is to make a true report of the events of the war as a basis for history, and he would, no doubt, gladly do within the camp of the Confederate Army, with the consent of its officers, that which he does in our camp. Adhering to such purpose, he cannot be considered a public enemy to either Government. If he falsifies his profession by his acts, his detention should be placed upon that ground. While we could not ask that he should be allowed the privilege accorded him within our lines, we certainly have the right to ask his surrender upon the ground that adhering in good faith to his profession as a reporter, and willing to do for one side what he does for the other, he cannot be considered a public enemy.

The case of Mr. John G. Pratt, a citizen of Saint Landry Parish, stands upon entirely different grounds. Mr. Pratt is recognized by the Government of the United States as "General Pratt," engaged in the organization of military service for the Confederate Army, whose position and character was so prominent as to give his name to the general camp of military instruction for the State of Louisiana. It is immaterial whether he was [in] command for this service by the State or by the Confederate States, if he is still in possession of this authority and in the performance of this duty he is rightly held a prisoner of war. If he has surrendered his commission and discontinued permanently the exercise of the power conferred upon him the change in his position should be made public, in order that it shall be understood by the people that he retains his liberty within the country occupied by our troops because of the permanent change in his position and purpose. There can be no doubt that he has exercised such powers, and I have received no evidence of any change in his position in that respect. Until such evidence is offered there can be no just claim for his release. I concur with Major-General Taylor that the expression of his opinion, which does him so much honor, that those who are not parties directly

or indirectly to the contest in which we are engaged should be relieved as far as possible from the suffering incident thereto. I do not approve the arrest of persons without other cause than that they are found within the lines of one army or the other. I have released all the prisoners in this department from the walks of civil life except where held for the commission of crimes independent of all political considerations, or where their release would imperil public peace, and I shall gladly co-operate with General Taylor as far as possible in relieving from the horrors of war those who are not in any sense to be considered participants therein.

I have the honor to be, with high respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, December 21, 1863.

Major-General TAYLOR:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 19th, relating to an exchange of prisoners. There are now here 430 non-commissioned officers and privates who will be sent down to you forthwith. There are also at Tyler, Tex., a number of officers captured by your command who will be sent to you if you desire it. It would be desirable to make such arrangements as would enable us to exchange Allen's brigade, as great difficulty is experienced in reassembling it while they remain in parole. This might be done by arranging to furnish rolls of our men as fast as they report, and authorize the enemy to release a like number. It is probable that this brigade could be put in service in a short time by this arrangement. No arrangements can be made to include General Magruder's command until he is heard from. I will write to him immediately.

I am, general, very respectfully, &c.,

W. R. BOGGS,
Brigadier-General and Chief of Staff.

HEADQUARTERS SEVENTEENTH ARMY CORPS,
DEPARTMENT OF THE TENNESSEE,
Vicksburg, December 22, 1863.

Maj. Gen. U. S. GRANT,
Commanding Military Division of the Mississippi:

GENERAL: I have the honor to forward herewith a communication from Lieut. Col. N. G. Watts, agent for exchange of prisoners, with a copy of my answer to the same.

Very respectfully, your obedient servant,

JAS. B. MCPHERSON,
Major-General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS EXCHANGE OF PRISONERS,
Jackson, Miss., December 16, 1863.

Maj. Gen. J. B. MCPHERSON, U. S. Army,
Commanding, Vicksburg:

GENERAL: Since my letter of October 24 ultimo my Government deems it more convenient for the object of my mission to change my

headquarters to a point more in advance than Mobile, the place agreed upon by General Grant and myself.

In accordance with the wish expressed I have selected Jackson, Miss., and, to make it permanent, require your sanction.

My military family will consist of Capt. J. R. Curell, assistant agent; Maj. C. W. Gassett, assistant quartermaster; Maj. John R. Hicks, surgeon; Charles E. Smidy and Jack Cassary, jr., secretaries.

I call your attention to the object of my former letter. Still anxious to carry out the views therein expressed, I should like to prove to you the humanity and general good of personal exchanges.

Should you agree with me in these views, for our prisoners in your hands captured in this department I will give you men of equal rank captured from you, thus preventing unnecessary suffering on the part of either, and restoring men to duty in their respective commands. I have now about 250 officers and men at convenient camps to carry out this object. This matter could be much better explained in a personal interview, time and place left with you to appoint.

I am desirous to see Mr. Porterfield and Mr. Rand on business disconnected from my department, and in no way connected with my Government, purely personal to them. I hand inclosed a letter from the Hon. Walker Brooke upon the subject of the recent visit of his wife to Vicksburg, tendering his thanks for your kind treatment, &c.

I am, general, most respectfully, yours,

N. G. WATTS,
Lieutenant-Colonel and Agent, C. S. Army.

[Inclosure No. 2.]

HEADQUARTERS SEVENTEENTH ARMY CORPS,
Vicksburg, Miss., December 21, 1863.

Lieut. Col. N. G. WATTS, *Agent for Exchange of Prisoners:*

COLONEL: I have the honor to acknowledge the receipt of your communication of the 16th instant, in relation to the exchange of prisoners, &c., and to inform you that I have no authority to enter into any arrangements or making any exchange. The matter has been referred by me to my Government in relation to some prisoners in the hands of Lieut. Gen. E. Kirby Smith, Trans-Mississippi Department, and I am daily expecting an answer which will cover the whole case. As soon as the decision arrives I will communicate the result to you by flag of truce.

Very respectfully, your obedient servant,

JAS. B. McPHERSON,
Major-General.

HEADQUARTERS MILITARY PRISON,
Camp Morton, Indianapolis, Ind., December 22, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your communication of the 17th instant, inclosing copies of your circulars of regulations governing the issues of clothing to prisoners in hospitals, &c. I beg leave to state that the telegram from Colonel Ekin was sent without my knowledge, and that we keep constantly on hand shirts,

drawers, &c., ready to supply the prisoners in hospital upon the recommendation of the surgeon in charge.

I am, very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, December 22, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have retained a gold watch belonging to the rebel General John H. Morgan, supposed to be worth about $60. I respectfully ask for instructions what to do with said property.

I am, colonel, very respectfully, your most obedient servant,

WM. WALLACE,
Colonel Fifteenth Ohio Volunteers, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 22, 1863.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to transmit herewith my report of inspection of the camp and hospitals for prisoners of war at Point Lookout, Md. I left Washington, in accordance with your orders, on the 16th instant and returned on the 20th. During that time I made a careful and thorough inspection of the post designated.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure No. 1.]

Report of inspection of the Hammond U. S. General Hospital at Point Lookout, Md., December 17, 1863, by A. M. Clark, surgeon and acting medical inspector prisoners of war.

Surgeon in charge—Surg. A. Heger, U. S. Army. Location—Point Lookout, Md. Vicinage—Chesapeake Bay and Potomac River on north camp of prisoners of war. Topography—flat sand spit. Drainage—none. Soil—sand and gravel; water does not stand on surface. Buildings—wooden barracks, sixteen arranged around a covered corridor as spokes in a wheel; first division, cottages, formerly used as a watering place. Wards—second division, fifteen, each —— feet long, —— feet wide, —— feet high, for seventy beds. Tents—none. Capacity—1,050 in second division, allowing —— cubic feet to each patient; first division, 350; total, 1,400. Patients, number of—prisoners, 787; Federals, 293; prisoners and Federals are kept in separate wards. Patients, condition of—excellent in every respect; men clean and comfortable. Patients, return to duty of—are returned to camp when fully recovered. Ventilation—ridge ventilation and side windows; very well ventilated; first division, windows, not well. Warming—sufficient, by stoves, three in each ward; first division, stoves or fireplaces. Lighting—lamps, coal oil. Lavatories and baths—facilities good, bath-room well fitted

up and in excellent order. Water supply—sufficient, by wells; water not very good; tank of 10,000 gallon capacity in center of circle. Water-closets—well arranged and policed. Latrines and sinks—built out over river on west side of hospital; first division, boxes promptly emptied each morning. Excreta, removal of—promptly by tide. Furniture and utensils—sufficient of every kind and in good order. Bedding—sufficient and clean. Kitchen—well arranged, in perfect order and police. Kitchen utensils—sufficient and in good order. Cooks—prisoners, do their work well; Sisters of Charity in half-diet kitchen. Cooking and serving—daily inspection by medical officer of day. Diet, quality and variety of—half and low diet, U. S. general hospital diet table; full diet somewhat less in variety. Means of supply—boat from Baltimore. Knapsack rooms and store-rooms—in good order. Dispensary—in very good order and well furnished. Instruments, medicines, &c.—supply sufficient and in good order. Compounding and dispensing—under charge of competent U. S. Army hospital stewards. Hospital stores and comforts—supplies kept up. Hospital records and accounts—exceedingly well kept in every particular. Hospital fund—November 30, $4.09; expended for articles of diet, ice, eggs, milk, butter, vegetables, &c. Hospital clothing—abundant supply. Reports—well kept up. Requisitions—promptly filled. Laundry—washing done by steam. Repair—repairs are needed on the roofs of some of the wards. Prevention of fire—carefully provided for; hose led over building; tank in circle gives sufficient head of water. Medical attendance—sufficient. Chaplain—Rev. J. A. Spooner, U. S. Army. Discipline and police—admirable in every respect. Nurses, men—convalescents. Nurses, women—nine Sisters of Charity in charge of half-diet kitchen, store-rooms, &c. Post mortem rooms and dead-houses—at sufficient distance from hospital and well arranged. Interments—by quartermaster at cemetery one mile and three-quarters from hospital. Diseases local—none apparent. Diseases prevalent—chronic diarrhea, chronic dysentery, general scorbutic taint. Diseases zymotic—a few cases of smallpox. Diseases, mitigation of—all facilities of a well-ordered hospital. Diseases, prevention of—every person at the point promptly vaccinated. Recoveries and mortality from diseases and wounds—report for November shows aggregate number of prisoners sick and wounded in hospital, 1,037; aggregate of deaths, 145; percentage of deaths, 13.98; aggregate number of Federal sick and wounded in hospital, 505; aggregate number of deaths, 1; percentage of deaths, .019.

Medical officers—Surg. Anthony Heger, U. S. Army, assisted by one assistant surgeon, U. S. Army; one assistant surgeon, U. S. Volunteers; eleven acting assistant surgeons, four hospital stewards.

I have no suggestions to make in reference to this hospital; there is no fault to be found.

Respectfully submitted.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure No. 2.]

Report of inspection of camp and field hospitals for prisoners of war at Point Lookout, Md., December 17 and 18, 1863, by A. M. Clark, surgeon and acting medical inspector prisoners of war.

Designation of camp—camp of prisoners of war. Commander of camp—Brig. Gen. G. Marston, U. S. Volunteers. Command and

strength—8,764 prisoners of war, including 1,196 sick in hospital. Location of camp—Point Lookout, Md., one-half mile from extreme point. Time occupied—established August 1, 1863. Water, source and supply—wells and pumps; supply abundant. Water, quality and effects—impregnated with ferruginous and alkaline salts, giving rise to digestive and intestinal derangements. Fuel—wood, abundant. Soil—sand over clay, with lower stratum of gravel. Drainage—much neglected; the natural facilities are, however, very poor. Topography—flat sand spit. Meteorology—wind generally northeast or southwest; not much rain. Zymotic influences—no malarial influences. Police of camp—generally well attended to. Discipline in camp—tolerably strict. Duties in camp—policing, procuring fuel, &c. Recreations in camp—making brick, and gambling for rations, clothing, wood, &c. Tents, position—arranged on nine streets or divisions running nearly east and west; streets about sixty feet wide. Tents, pattern and quality—Sibley or French bell tents, 330; common tents, 650; quality, generally good. Tents, ventilation and removal—ventilation at option of inmates; position of tents had just been changed. Tents, sufficiency—regulations of camp assign sixteen men to a Sibley and five to a common tent; total 8,530, exclusive of hospitals. Tents, heating—most of the tents have chimneys and fireplaces of brick, made by prisoners. Sinks, construction, condition and position, management—three large sinks built out over the bay on east side of camp, for use by day; these are in good order but are insufficient; for night use large boxes are provided to be emptied in the morning; these are insufficient and are not properly attended to; in many places excrement was found in the division streets. Removal of offal, &c.—thrown into bay or river and readily removed by tide. Previous use of camp—Point Lookout was formerly used as a watering place. Rations—sufficient, meat, vegetables, biscuit, served in six mess-rooms accommodating 500 at a time; police good. Cooking in camp—nine cook-houses, six in use, each containing five 40-gallon caldrons, capacity, 9,600 pints of soup per diem. Inspection of food—said to be inspected daily by officer of day. Portable ovens—none; bread furnished by commissary of subsistence. Vegetables—abundant at present; purchases to amount of $4,000 this week. Cleanliness of men and clothing—dirty, as usual in similar camps; apparently no laundry regulations. Quality of clothing—mostly owned by prisoners, some donations, some condemned U. S. clothing. Quantity of clothing—apparently sufficient except overcoats and underclothing. Blankets and bedding—in camp blankets sufficient, foul, partly brought by prisoners; mostly supplied through quartermaster. Habits of men—indolent, but willing to work if ordered. Condition of men—good as is usual or to be expected in similar camps. Hospital buildings—none. Hospital tents—30 hospital tents for sick, 3 hospital tents for quarantine, 9 hospital tents for miscellaneous uses, 6 common, 3 wall. Hospital police—excellent in every particular. Hospital discipline—very good. Hospital diet and cooking—generally U. S. general hospital diet table; cooking arrangements ample and in excellent order. Hospital heat and ventilation—hospital tents arranged in wards of three, stove in center tent, ventilation by tent doors, and slits in walls kept open. Hospital capacity—about 225. Number sick—in prison camp hospital, 217; in quarters, 380; total, 597. State of medical supplies and surgical instruments—sufficient and in good order. State of hospital records and accounts—very well kept. State of hospital fund—November 30, $114; purchases, exclusively articles of diet. Reports—well kept up and apparently accurate. Requisitions—

promptly filled. Medical attendance—sufficient and apparently skillful. Nursing—well done by convalescents. Interments—by quartermaster at distance of one mile and a quarter from camp and across a creek. Diseases local—none apparent. Diseases prevalent—chronic diarrhea, chronic dysentery, pneumonia. Diseases zymotic—variola (smallpox). Diseases, mitigation of—every facility that a well-conducted field hospital can afford is employed. Diseases, prevention of—only measures lacking are want of drainage and want of enforced ventilation of tents in camp. Wounds and operations—but few, mostly transferred to Hammond General Hospital. Recoveries and mortality from diseases and wounds—the monthly report for November shows the following aggregate number of sick, 2,900; aggregate deaths, 35; percentage of deaths, about 1.2; average daily sick, 666; average daily number of sick since December 1, 600; average daily deaths, 2.5; percentage of deaths, about .04 per diem.

Medical officers—Surg. James H. Thompson, U. S. Volunteers, in charge (the excellent condition of the hospital is proof sufficient of the efficiency of the surgeon in charge); two acting assistant surgeons; twelve Confederate physicians (these last are enlisted men, but are educated physicians, and are said by Doctor Thompson to perform their duties with alacrity and skill); nine are assigned to duty in the camp, one to each division; two are employed in the hospital, and one as dentist.

There are two great faults to be found with this camp, viz, imperfect drainage and crowding the tents too near together. In regard to the drainage each tent has a shallow ditch around it leading into a ditch running along the side of the street. These main ditches are not kept cleared, nor are their outlets well designed or properly attended to. This, in my judgment, might be obviated, and the camp effectually drained, notwithstanding the unfavorable nature of the ground, by an officer with a moderate amount of engineering talent. The tents are so pitched that except on the streets few are more than two feet apart, while the bases of many nearly touch. The streets are being leveled and covered with coarse gravel, of which there is an abundance. Many of the tents are built up at the sides and some are floored with material obtained from cracker boxes; many are floored with gravel, packed hard. None of the tents are excavated; a few have been, but are now removed. Nearly all the tents are provided with fireplaces and chimneys built of bricks manufactured by the prisoners. No wood has yet been issued to the prisoners for fuel, but they are sent out in squads into the woods to cut down stumps, &c. In this way they procure an abundant supply, and in many of the tents they have piled away stores of it. In several tents I saw piles containing at least half a cord, and taking up room in the tent which might have been more advantageously occupied by the inmates. As a general rule the men and their clothing are dirty, and strict washing and laundry rules should be issued and enforced. The sink arrangements are not properly attended to. The day sinks are insufficient in number, and the night sinks are insufficient in number and not promptly emptied in the morning. They are, however, even in their present management, infinitely superior to the excavated sinks, for the tide promptly washes the offal away. Every man, I am informed, has at least one blanket and many have more.

The cook-houses are situated on the west side of the camp, and are nine in number, but six of which are at present in use, the remainder being used as store-houses. Each of these buildings is about 160 feet long by 24 feet wide. About 25 feet in length is partitioned off for the

kitchen, which is furnished with five 40-gallon caldrons, with a total capacity for the whole of 9,600 pints of soup per diem. The remaining room in each cook-house is furnished with tables and table furniture as a mess-room for 1,500 men, accommodating 500 at a time. The cooking utensils and table furniture are in excellent order, and the kitchens and mess-rooms in good police. They should, however, be well whitewashed inside. The cooks sleep in a sort of loft over the kitchen. There is a well at each cook-house, but the water is poor. The rations are sufficient and good, consisting of meat, potatoes, or rice, soup and hard bread for dinner, and hard bread and tea or coffee for breakfast and supper.

The hospital is located on the southern side of the camp. The tents are arranged in wards of three on either side of well ditched and graveled street of about fifty feet wide. The wards are in an excellent state of police, well warmed and tolerably well ventilated. With but very few exceptions the patients are on iron bedsteads, the exceptions being on well-built wooden bunks. The men look clean and comfortable; the clothing is clean and in good order, though the surgeon in charge complains that until very recently it has been impossible to obtain a sufficient supply of underclothing. The quartermaster has now filled his requisitions. It is highly important that the hospital tents be floored; at present but one tent is so. At the eastern extremity of the street is the laundry, which was in active operation at the time of my visit. The cook tent containing one large stove and a large caldron, cooking and table apparatus in sufficient quantity and in very good order. The dead-house in good order, and at a distance of about 100 yards from the rest of the hospital; the quarantine ward of three tents, in which are placed the patients suspected of smallpox until they are sent to the contagious hospital, and also such patients as are returned as convalescent from that hospital, until all danger from contagion has passed away.

The dispensary is at the eastern end of the street. It is administered by three rebel acting hospital stewards, under the supervision of the chief steward, and is kept in very good order. A sufficient supply of medicines for each day's use only is kept here, to prevent waste or misapplication. The office tent is in very good order and the books very well kept. When the wards of the camp hospital become overcrowded patients are transferred to the Hammond General Hospital near the camp. Every possible precaution to prevent the spreading of the smallpox is taken by vaccination and effectual isolation of the cases as soon as discovered. The disease is evidently on the decrease, for, although numbers of cases still occur, the large majority are of the milder form, or varioloid.

The contagious hospital is located about three-quarters of a mile northwest of the prison camp, and entirely shut off from it by a barricade across a narrow neck of land leading to it, and well guarded by sentries. The ground is the most elevated about the point. It is under the charge of Asst. Surg. S. Bunton, Fifth [Second] New Hampshire Volunteers, assisted by one acting assistant surgeon and nine Confederate acting medical officers. The books are almost illegible, and the following is all I could glean from them: Average daily sick since December 1, 165; total deaths since December 1, 43; number of cases December 17, 168; number of deaths December 17, none. Present number of tents—Sibley, 8; common, 35. Hospital fund November 30, $135.31. No purchases.

The officer in charge of this hospital is utterly incompetent to fill his post. I found the tents huddled together and overcrowded, and not at all ventilated. An utter want of attention to police and a complete

disregard of the comfort and safety of the patients. The medical director of the district, Surgeon Heger, U. S. Army, visited the hospital with me, and on witnessing the condition of things, declared his intention of at once taking charge of the matter himself, putting the hospital into proper condition, and placing competent officer in charge. That this will be thoroughly and effectually done, I feel assured, from the excellent effects of his administration in the camp and general hospitals; therefore I do not feel called on to offer any suggestions in the premises, except that the commanding general be directed to purchase a supply of the Ridgewood disinfectant powder for use in camp and hospitals.

Respectfully submitted.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
December 22, 1863.

Brig. Gen. C. A. HECKMAN,
Commanding Forces at Newport News:

Herewith inclosed please find an order for Captain Belger, Rhode Island battery, to proceed to Point Lookout to report to Brigadier-General Marston for duty.* The reason for this move is that that country has been added to this department and an attack by the rebels is apprehended to release the prisoners now confined there. I also inclose you a copy of the telegraphic order extending the limits of this department.*

By command of Major-General Butler:

I am, most respectfully, your obedient servant,

R. S. DAVIS,
Major and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, December 22, 1863.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: In obedience to instructions I have the honor to report that the following officers have been selected from among the Federal prisoners confined here "to undergo hard labor during the war in the penitentiary at Salisbury, N. C., for a like number of our own officers confined in the penitentiary at Alton, Ill.," and that they will be immediately sent to Salisbury, to wit:

Edward E. Chase, captain, First Rhode Island; Julius B. Litchfield, captain, Fourteenth Maine; Charles S. Kendall, captain, First Massachusetts.

Very respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Indorsement.]

I supposed these men were imprisoned in retaliation for the treatment of certain naval officers, but it seems the purpose was retaliation for a different outrage by the Federal authorities.

J. A. SEDDON,
Secretary.

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* Omitted.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., December 22, 1863.

Major-General MAGRUDER, *Commanding, &c., Houston, Tex.:*

GENERAL: I have the honor to inclose copy of a letter from Major-General Taylor in reference to all arrangements he has made with Major-General Franklin for the exchange of prisoners.* You will see that General Taylor proposes to make permanent arrangements and to include your district where General Banks is now operating.

I have written to General Taylor that I would consult with you upon the subject, and he will take no steps so far as your command is concerned until your reply reaches these headquarters. You will please inform me as soon as possible whether an arrangement of this kind would suit you.

I am, general, very respectfully, your obedient servant,
W. R. BOGGS,
Brigadier-General and Chief of Staff.

OFFICE OF MILITARY PRISONS,
Camp Chase, Ohio, December 23, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: In compliance with your instructions of the 19th instant, concerning the treatment and condition of rebel prisoners at this post, and covering copy of extract from letter from Dr. M. A. Pallen to the Secretary of War, I have the honor to report the following, viz: The general condition of the prisoners at Camp Chase is good in every respect.

They are accommodated in one-story wooden barracks of one room each, the same as our troops here, and capable of accommodating easily thirty men each in winter, and some a larger number, and all supplied with stoves and plenty of fuel. There are 100 or more rooms and 2,700 prisoners. The issue of wood is the regulation allowance, one-sixth of a cord.

Their subsistence is the ration daily issued to our troops, in kind and quality, but recently reduced to three-fourths, in consequence of the prisoners wasting so much; since this reduction this waste has mainly ceased.

Their clothing is of good common quality, and the quantity issued to them, whenever actually needed, is one outer suit and a change of underclothing; this, with a surplus of blankets among them, is sufficient to insure them all against suffering. See accompanying report of clothing issues by the provost-marshals of prisons.

The prison hospital accommodations are ordinarily good, and have been approved at all times by such medical officers as have inspected them, and no particular suffering has been known to occur among the sick from want of sufficient clothing or proper food.

The small percentum of sick, as shown by accompanying morning report, and reports of the acting assistant surgeons in charge is evidence sufficient that the prisoners here are well cared for.

Such is a detailed report of the general condition of the prisoners at this post, substantiated by the reports of officers on daily duty with

* See December 19, p. 734.

the prisoners, herewith inclosed, and which I trust may prove satisfactory.

I am, colonel, very respectfully, your obedient servant,

WM. WALLACE,
Colonel Fifteenth Ohio Volunteer Infantry, Commanding.

[Inclosure No. 1.]

CAMP CHASE, OHIO, *December 22, 1863.*

Lieut. Col. A. H. POTEN, *Commanding Prisons:*

SIR: As per request I beg leave to report that I have under my care as surgeon, in prison No. 3, about 1,600 men. The sick during my attendance, two weeks, has averaged about 1¼ per cent. Their quarters are, by the aid of stoves, I think, comfortable. They are well fed, some of them rather thinly clad, which I understand can be remedied on application to the proper authority. Their general health is good as could be expected under like circumstances.

Very respectfully submitted.

I. M. ABRAHAM,
Acting Assistant Surgeon.

[Inclosure No. 2.]

OFFICE PROVOST-MARSHAL OF PRISONS,
Camp Chase, Ohio, December 22, 1863.

Col. WILLIAM WALLACE, *Commanding Post:*

COLONEL: In compliance with the instruction of Lieutenant-Colonel Poten, assistant commandant of prisons, we have the honor to submit the following report of issues of clothing to rebel prisoners at this post, made since the 30th of October, 1863, viz: Coats, 200; trousers, 506; shirts, 500; drawers, 125; shoes, 560; socks, 550; blankets, 900—all of Government property. Besides these, during the short time 300 suits of clothing, sent by the friends of prisoners, have been issued also. There are now in the prisons 3,100 good and some 400 worn and inferior blankets to 2,700 prisoners. One stove with cooking utensils is furnished to every twenty-two men, and all the wood required for the comfort of prisoners is regularly issued.

The prisoners are required to keep the prisons and their quarters clean and well policed.

Very respectfully, your obedient servants,

S. L. HAMMON,
Invalid Corps,
S. B. BRIGHTMAN,
Lieutenant, Sixty-sixth Illinois,
Provost-Marshals of Prisons.

[Inclosure No. 3.]

Morning report of sick and wounded in prison hospital, Camp Chase, Ohio, for Wednesday, December 23, 1863.

George Moore, fever remitt.; private, Sixteenth Virginia Cavalry, Company C.
M. W. White, rheumatism; citizen of Virginia.

Remaining at last report	27
Discharged	2
Remaining	25
Number of attendants	13

A. HOW,
Acting Steward.

MILITARY PRISON, *Alton, Ill., December 23, 1863.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington:

COLONEL: In reply to your letter of 17th instant, relative to money matters between prisoners and sutler, I have the honor to state that no prisoner in my charge holds sutler's tickets except such as have given orders on me as commandant of the prison for money in my hands belonging to them. Please find inclosed one of sutler's tickets.* When prisoners are released or transferred they receive the amount due them on tickets at my desk in greenbacks, and in no instance have I heard an expression of dissatisfaction on the part of prisoners relative to their dealings with the sutler. On the contrary, all express themselves as being highly satisfied. I have taken special pains to ascertain in person the views of prisoners as to the sutler's dealings with them, and I am highly pleased to learn that the sutler has given them entire satisfaction. Very few of the prisoners have gold. When they do they get the face of the coin in greenbacks. Premium goes to prison fund. Col. John C. Carlin expended with the sutler all the funds he had when captured. Have the kindness to inform me whether the premium on gold retained from prisoners shall be refunded them.

I am, colonel, very respectfully, your obedient servant,

G. W. KINCAID,
Colonel, Commanding Prison.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 23, 1863.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: I inclose two papers, the contents of which will explain themselves, and perhaps you will be able by forwarding them to relieve the anguish of an afflicted family.†

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
December 23, 1863.

Maj. Gen. W. B. FRANKLIN,
Commanding U. S. Troops in Western Louisiana:

GENERAL: Your communication of the 19th instant, inclosing the affidavit of one E. J. Comer, touching the alleged cruel treatment of certain U. S. officers at Monroe and Shreveport, has been received.‡

In reply I have the honor to state that the rumors upon which Comer's affidavit is based are utterly without foundation, and that I have to regret that Major-General Banks has thought them of sufficient importance to call my attention to them, particularly considering the improper language in which the affidavit is couched.

I am, general, very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding, C. S. Army.

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*Not inclosed; see Hoffman to Kincaid, December 31, p. 803.
†Inclosures not found.
‡See p. 542.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
December 23, 1863.

Col. E. L. MOLINEUX,
Commissioner on behalf of Major-General Franklin, U. S. Army:

COLONEL: In the absence of Maj. W. M. Levy I have the honor to acknowledge, by direction of Major-General Taylor, the receipt of your communication of the 20th instant, proposing, on the behalf of Major-General Franklin, the exchange of Captain Maltby, editor of the Ranchero, for Mr. Gatchell, the correspondent of the New York Herald, both of whom are supposed to be non-combatants and not at the time of their capture in the military service of either belligerents.

I am instructed to say that Major-General Taylor regrets he cannot accede to the proposal.

The capture and detention by the C. S. forces of Mr. Gatchell, and of others similarly situated, is resorted [to] for the purpose of putting an end, if possible, to the practice of the U. S. authorities of arresting and imprisoning private citizens of the Confederate States in nowise connected with the service at the time of their arrest.

The object of the measure would be entirely defeated by recognizing, as the offer of Major-General Franklin substantially proposes to do, these persons as prisoners of war and a proper subject of exchange in that character.

I am further instructed to state that Major-General Taylor earnestly desires to effect some general arrangement by which the non-combatants held by both belligerents may be released, and that before the correspondence between Major-General Banks and himself shall have closed a convention may be agreed upon protecting for the future persons not engaged in the military or naval service of the respective Governments from capture by either party.

I have the honor to be, colonel, with best respect, your obedient servant.

P. E. BONFORD,
First Lieutenant and Aide-de-Camp.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 23, 1863.

Maj. W. M. LEVY,
Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. R. Taylor, C. S. Army:

MAJOR: I have the honor to acknowledge the receipt of your favor of the 18th instant.

Maj. Gen. N. P. Banks has signified his assent to Red River Landing as a place of meeting between his commissioner and one appointed by Maj. Gen. R. Taylor. As soon as he appoints a commissioner and names the time I will immediately notify you.

I have to express to you my sincere regret that your escort at our last meeting suffered the loss of certain halters belonging to them, and Captain Wells of a pair of saddle-bags. Every means has been taken to ferret out the delinquents and to bring them to punishment.

I have the honor to state that I have forwarded to (care Capt. E. R. Wells, assistant adjutant-general) General Green four army halters, complete, and one pair saddle-bags to make right the deficiency, and I think you will accept the apology in the same frank spirit in which it is given. Maj. R. A. Howard will be exchanged as you propose.

I have the honor to request you to furnish us information respecting Finley Anderson, a correspondent of the New York Herald, who was captured on board of steamer Queen of the West in May last, and was last heard from at Shreveport in August.

I am, major, respectfully, your obedient servant,

E. L. MOLINEUX,

Colonel and Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. W. B. Franklin, U. S. Army.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 23, 1863.

Maj. W. M. LEVY,
Commissioner for Exchange in behalf of Maj. Gen. R. Taylor:

MAJOR: I have the honor to inform you that we have received word from Maj. Gen. N. P. Banks, U. S. Army, that his commissioner will meet the one appointed by Maj. Gen. R. Taylor, C. S. Army, at Red River Landing on the 1st day of January, 1864, or as soon after as practicable for them to meet at the appointed place. I have to inform you our prisoners are here ready for exchange.*

I am, major, your obedient servant,

EDWARD L. MOLINEUX,

Colonel and Commissioner for Exchange of Prisoners
In behalf of Maj. Gen. W. B. Franklin.

HEADQUARTERS GREEN'S CAVALRY DIVISION,
Vermilionville, December 23, 1863.

Col. E. L. MOLINEUX,
Asst. Adjt. and Insp. Gen., Commissioner of Exchange:

COLONEL: The general commanding directs me to inform you that the Federal prisoners for exchange and parole will arrive here to-morrow, and the exchange can take place at the point designated in the cartel on Friday morning, December 25. Please answer by this flag if the time mentioned will suit you.

I am, colonel, very respectfully, your obedient servant,

E. R. WELLS,

Captain and Assistant Adjutant-General.

HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 23, 1863.

Capt. E. R. WELLS,
Asst. Adjt. Gen., General Green's Cavalry Division:

CAPTAIN: Your letters of 19th and 20th instant† were duly received per flag of truce.

The cases of Romulus McBride and John R. Creighton are being investigated, and I trust will result in their being acquitted, as you express that desire. John R. Creighton is, I understand, a colonel in the State militia.

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* For Molineux's appointment as commissioner, see Stone to Franklin, Series I, Vol. XXVI, Part I, p. 870.

† That of the 20th omitted. It refers to loss of the halters and saddle-bags herein mentioned.

I have written to Major Levy, in an accompanying letter, that we have not been able to detect the men who stole your halters while under our protection at the "Red House," and that I have sent to your care four complete sets of halters and one pair saddle-bags, to make good the loss, and my sincere regrets that such an occurrence should have taken place under a flag of truce. The saddle-bags, I trust, will answer your purpose, captain, as well as the pair you lost, and please see that the halters are given to those to whom they should most properly belong.

I trust the little articles you desired from Mrs. Devalcourt will safely reach your hands.

Are you aware that the fire of your troops upon the Mississippi River boats caused the death of some women and children? I do not mention this officially, as I am sure you regret it as much as I do.

Truly, yours,

E. L. MOLINEUX,
Colonel and Actg. Asst. Insp. Gen., Nineteenth Army Corps.

P. S.—This postscript is to notify you of the arrival of the prisoners of war from New Orleans to this point. We trust you will hasten forward the exchange as rapidly as possible.

E. L. M.,
Colonel and Commissioner.

CONFEDERATE STATES OF AMERICA,
Richmond, Va., December 23, 1863.

ROBERT H. WYNNE,
Doorkeeper of the House of Representatives of the Congress of the Confederate States:

You are hereby commanded to summon, without delay, Capt. R. M. Booker, witness, to appear before the Committee on Quartermaster's and Commissary Departments, the same being a committee of said House of Representatives, at their rooms, over Taylor's music store, corner Tenth and Main streets, in said city, on the 28th day of December, A. D. 1863, at 5 p. m.; that he, the said Booker, shall then and there testify before said committee in a matter for investigation referred to them in relation to alleged failure to furnish Yankee prisoners with a sufficiency of wholesome food.

Herein fail not, and have you then and there this summons, with your indorsement on the same.

WALTER PRESTON,
Chairman.

WASHINGTON, D. C., *December 24, 1863.*

Maj. Gen. B. F. BUTLER, *Commanding, &c., Fort Monroe:*

DEAR SIR: I have the honor to inclose herewith a statement by Doctor Forrester in reference to the condition under which Captain McKee was surrendered prisoner of war.

I respectfully request your efforts to obtain, through Mr. Ould, as a first step toward the exchange of Captain McKee, a compliance with the condition of his capture.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

[Inclosure.]

LOUISVILLE, KY., *December 8, 1863.*

Messrs. EDITORS:

On leaving Libby Prison, November 24, 1863, I was requested by Capt. Samuel McKee, of the Fourteenth Kentucky Cavalry, to give you a statement of his case.

Captain McKee was captured at Mount Sterling, March 22, 1863, by Cluke's cavalry. The terms of surrender were that every officer and enlisted man should be paroled on the spot. All were paroled except Captain McKee. By the influence of his old enemies from Mount Sterling who were with Cluke he was retained. Upon remonstrating with them for their bad faith, he was told that charges had been made against him since his capture, and that he would be sent on to Richmond for trial. He was immediately sent to Richmond, placed in Libby Prison, where he has been up to the present time. In all that time I think he has not been allowed to set foot out of his prison.

* * * * * * *

Very respectfully,

WM. FORRESTER,
Surgeon Fifth Kentucky Cavalry.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 24, 1863.*

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: I have the honor to inclose to you an official copy of the authority conferring upon me the duties of commissioner of exchange of prisoners, so that we may be able to establish official relations upon that subject.†

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
JUDGE-ADVOCATE'S OFFICE,
Saint Louis, December 24, 1863.

Col. J. HOLT, *Judge-Advocate-General:*

COLONEL: The inclosed letter raises a question on the President's proclamation of amnesty.‡ Charles H. Burch, a soldier in the rebel army, was tried by a military commission in this city on two charges: First, being a spy; second, violation of the oath of allegiance. Was convicted and sentenced to be hanged. The proceedings were approved by commanding general and forwarded for the action of the President September 19, 1863. My recollection of the case is that though the evidence showed him technically to be a spy, there was not sufficient evidence to establish that he was such in fact. Of the other charge he was no doubt guilty. Now he proposes to avail himself of the amnesty proclaimed by the President. Is he within the provisions of that proclamation? Other cases are being presented daily of persons charged

*Another copy is dated December 25.
†See Hitchcock to Butler, December 17, p. 712.
‡See p. 680.

with violation of oath, &c., who desire to take the President's oath and be released from custody. The flood gate has not yet been opened here, but when it is there will be a rushing of waters. What the effect of a general jail clearing is to be I am not prepared to say. In many cases I have no doubt it will work well. Will you please give me your views as to the proper construction of and proceedings under this proclamation.

Very respectfully, your obedient servant,

W. M. DUNN,
Major and Judge-Advocate.

[Inclosure.]

GRATIOT STREET PRISON, *Saint Louis, December 21, 1863.*

Mrs. E. BURCH, *Saint Louis, Mo.:*

MY DEAR WIFE: This last week has been one to me of greater anxiety and solicitude than any one since my capture. If your affairs have reached such a point it is one of the conditions that I have always looked forward to as one possible, but highly improbable, and not hearing from you to-day has increased my anxiety tenfold. I would be glad to hear from you immediately and to see you, if possible. I can no longer resist your importunities to return to my allegiance to the Government and remain a peaceable and quiet citizen. I conceive it to be my duty under all circumstances to remain and protect and provide for my family, and with the help of God I will make that my first object in life hereafter. If I have been led by passion and continued excitement to neglect that claim of my family I have now resolved not to do so again. You say I can be released on taking the oath of allegiance. If such is the case you will attend to having the matter brought up at once before the proper officers. I have arrived at the above conclusions after due and deliberate consideration. Waiting with anxiety to hear from you, and hoping you are all well, as I am at present, I remain,

Your affectionate husband,

CHAS. H. BURCH.

P. S.—Give my love with a kiss to my little daughter.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 24, 1863.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: Surgeon Clark reports very favorably of the general sanitary condition of the prisoners of war at Point Lookout. He recommends that the hospital tents be floored, and I request you will carry out his suggestion, unless there is some objection which does not occur to me. A good supply of shirts and drawers for the sick should be kept on hand for the use of the sick. These articles should not be issued to individuals, but should be used and accounted for as hospital property. They should be purchased with the prison fund, and these and all other articles so purchased should be accounted for together, not as public property, but as property on hand for the use of prisoners.

The contagious hospital seems to have been very badly conducted by Assistant Surgeon Bunton, but as Surgeon Heger, medical director, proposes to take the matter in hand, it is hoped that the hospital

will be put in a satisfactory condition. Please give this matter your attention.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 24, 1863.

Col. WILLIAM WALLACE,
Commanding Camp Chase Prison, Columbus, Ohio:

COLONEL: As the molasses ration, according to the new regulations, has been changed to a daily ration of one quart per 100 rations, I am directed by the Commissary-General of Prisoners to request that hereafter the issue to prisoners of war may be in accordance with the same, instead of four quarts per 100 rations twice a week, as heretofore issued. Tea may be issued in lieu of coffee, in the proportion provided for by regulations, with such deduction in the ration as may be deemed proper by you.

Very respectfully, your obedient servant,

W. T. HARTZ,
Captain and Assistant Adjutant-General.

(Same to Col. Charles V. De Land, commanding Camp Douglas, Ill.; Col. A. A. Stevens, commanding Camp Morton, Ind.; Col. G. W. Kincaid, commanding Alton military prison, Ill.; Lieut. Col. J. O. Broadhead, provost-marshal-general, Saint Louis, Mo.; Lieut. Col. W. S. Pierson, commanding Johnson's Island, Ohio; Capt. W. Barr, Saint Joseph, Mo.; Capt. S. E. Jones, Louisville, Ky.; Capt. J. P. Langdon, Columbus, Ky.; Capt. Levi Ruggles, Kansas City, Mo.; Col. C. S. Merchant, Fort Wood, New York Harbor; Capt. G. C. See, Springfield, Mo.; Lieut. Col. George R. Clarke, Camp Butler, Ill.; Brig. Gen. G. Marston, commanding depot prisoners of war, Point Lookout, Md.; Brig. Gen. A. Schoepf, commanding Fort Delaware, Del.)

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 25, 1863.

Hon. ROBERT OULD,
Commissioner of Exchange of the Confederate Authorities:

SIR: I send by Major Mulford, assistant commissioner of exchange, 502 prisoners of war from the Confederate Army from Point Lookout—all, I believe, serviceable men and substantially those longest there in confinement.

I offer them for delivery at City Point upon condition of receiving the same number of men held by your authorities as prisoners of war from our Army, leaving all questions of difference in controversy between your authorities and my Government for the present in abeyance.

I have made personal examination of the condition of the prisoners of war of the Confederate Army now in prison at Point Lookout, and beg leave to assure you that they are as well cared for, and in as good health, and as well fed as the soldiers in our Army.

I will send you in my next communication the statement of the sergeants, Confederate prisoners, who have charge of the several cook-houses upon that subject.

I do not mean to say that their ration is as large as our regularly issued ration, because of their state of entire inactivity, but it is in every respect of the same quality as those issued to the men generally.

If you have any doubt of it, upon an examination of the condition of the men I send you, and upon hearing their statements, please suggest what, in your judgment, should be done further in their behalf.

I have made this examination and this statement to you in order that you may be able to satisfy the friends of the prisoners who may be disturbed by the unfounded reports of ill treatment and cruelty suffered by the prisoners at Point Lookout, in like manner as our people are excited by what I hope are like groundless stories of ill-usage and starvation suffered by our soldiers in your hands.

I find there some of the wounded from Gettysburg, and some that have been sick that are convalescent, and some so far disabled by sickness that, while they may be sent forward for exchange, they will probably be of no further service in the field.

Men without arms and legs and debilitated by sickness are certainly unfit to bear the necessary hardships incident to a condition of prisoners of war; besides, they encumber our hospitals.

As, upon examination, I did not think it proper to order them into the prisoners' camp with wounds freshly healed and health hardly restored, and as, perhaps, the hope of seeing their friends might have a beneficial influence upon their health, therefore I suggest that in the next transport I send up as many of these as are entirely able to bear the exposures of traveling without probable danger to their health, and that in exchange you will return to me an equal number of our soldiers that may be in like condition. As it may be inconvenient and prejudicial to their health to transship these invalids on either side, I will have them put upon a separate boat, upon which there shall be nothing but provisions for them, and will direct that that boat be put at your disposal at City Point to carry them immediately to Richmond and bring back those that you shall give in exchange.

Of course, you will transfer, if you think best, the master and crew of the boat to the steamer New York, which will accompany them, and will remain at City Point, and put your own master and crew on board until the boat is returned.

I need not suggest the necessity of care that the boat, which is but a hired transport, shall receive no damage while in your charge, for which my Government will be responsible.

And I further suggest whether the same means of avoiding transshipment might not be a convenience and facility in making further exchanges of well men, as well as invalids.

I also send four officers, lately captured at Charles City Court-House, and a surgeon; one in exchange for Captain Irving, who was sent down by last boat; one at his urgent request, being suffering from injuries; and two others, for whom you will forward me any officers of equal rank. I send these, though lately captured, because I have no officers short of Johnson's Island, and I wish to avoid delay.

I also send others, prisoners whom I understand were exchanged long since, but by some oversight were not forwarded until now.

I trust such oversight will never happen again.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General, Commanding, and Commissioner of Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
December 25, 1863.

Hon. ROBERT OULD, *Commissioner of Exchange, Richmond:*

The agents of the Sanitary Commission claim that a Mr. Alfred F. Brengle, now confined at Castle Thunder, near Richmond, was employed in the Sanitary Commission at the time of his arrest; was entirely non-combatant, and ought therefore to be exchanged. I am informed that it has been proposed to exchange him for a Mr. Thatcher, also a non-combatant. We have no record of such a Mr. Thatcher. We should be willing to exchange Mr. Thatcher for Mr. Brengle if he stands in similar circumstances. Will you give us means of making inquiry for Mr. Thatcher? Will you also forward Mr. Brengle, either conditionally or unconditionally? If we can find Mr. Thatcher, and he desires to be exchanged, I will send him forward.

I have the honor to be, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding, and Commissioner of Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
December 25, 1863.

Hon. ROBERT OULD, *Commissioner of Exchange, Richmond:*

I understand that it has been proposed by you that if the officers and crews of the steamers Emily and Arrow, captured by your forces about the 16th of May, 1863, and the boats were in the service of the United States in the Quartermaster's Department when captured, the officers and men would be released. I am not informed how the proposed evidence can bear upon the matter; I therefore take the liberty of sending to you to ask if such a proposition has been made before I look for the evidence suggested, if any such exists.

I have the honor to be, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding, and Commissioner of Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 25, 1863.

Hon. ROBERT OULD,
Commissioner of Exchange of the Confederate Authorities:

SIR: I desire to have specially exchanged Capt. B. F. Ewers, of the One hundredth Ohio Volunteers. He is now suffering with the chronic diarrhea, with a predisposition to phthisis. He will probably not live; and if able to come, please send him, and I will account for him.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 25, 1863.

Hon. ROBERT OULD,
Commissioner of Exchange of the Confederate Authorities:

SIR: Maj. Joseph Cushing Edmands, Thirty-second Massachusetts Volunteers, was about the 14th of December on picket duty eight miles

from Warrenton, and is supposed to have been captured or killed by the Confederate soldiers. I wish you to ascertain where he is, or what has become of him, for the sake of his father, who is a personal friend of mine.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 25, 1863.

Hon. ROBERT OULD,
Commissioner of Exchange of the Confederate Authorities:

SIR: I take leave to send you inclosed an extract furnished me by General Hitchcock from the statement of Surgeon Forrester, Fifth Kentucky Cavalry, in regard to Captain McKee.*

If that statement is correct I know that you will see to it that proper proceedings are had, either to procure for Captain McKee a trial or promote his release.

May I ask a favorable reply, stating your action in the premises.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 25, 1863.

Hon. ROBERT OULD, *Commissioner of Exchange, Richmond:*

I beg leave to submit for your consideration the papers in the case of two Ohio prisoners now in the hands of the Confederate authorities—Lieut. E. H. Mason, Company B, Twenty-first Ohio Volunteers, and Private John Wollam, Company C, Thirty-third Ohio Volunteers. Do me the favor to report where they are, in what condition, and if they cannot be exchanged, the reasons that lead to that conclusion. Allow me to remark that I do not share in the apprehension expressed by the agent of Ohio, that any wrong has or will be done them.

Please return the papers with your communication.

I have the honor to be, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding, and Commissioner of Exchange.

SPECIAL ORDERS, No. 158. } HDQRS. DEPT. OF VA. AND N. CAROLINA,
Fort Monroe, December 25, 1863.

* * * * * * *

V. Brig. Gen. S. A. Meredith is hereby relieved from duty in this department as commissioner of exchange, and will not carry on any correspondence with any Confederate authorities until further orders.

By command of Major-General Butler:

R. S. DAVIS,
Assistant Adjutant-General.

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*Extract not found; but see Forrester to Editors, p. 752.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 25, 1863.

Surg. A. M. CLARK,
Acting Medical Inspector of Prisoners of War, Washington, D.C.:

SIR: You will proceed at once to visit the several stations in the West where prisoners of war are held, with a view of ascertaining the present condition of the sick in hospital and in barracks, and putting in force such reforms in the various branches of the hospital service as may be found necessary. Give such directions to the surgeons in charge of hospitals in all minor matters as you may think necessary, and in those of more consequence you will consult the commanders and request the proper orders given. When larger hospital accommodations for the sick are necessary direct them to be built and conveniently fitted up, the expense to be paid out of the prisoners' fund, and with the same fund procure all necessary bedding and clothing for the sick and what table furniture and kitchen utensils may be required. Examine particularly into the management of the hospital fund and see that the savings are economically made and that the funds are judiciously expended. You will also examine into the general sanitary condition of the places you visit and make such suggestions of measures for improvements as you may think proper. Having visited the several stations in the most convenient order, and given the necessary instructions, you will, on your return, again visit them and see that the measures suggested have been properly carried out.

On completing this duty you will report in person at this office, giving a detailed report of the service performed.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, December 25, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

I have the honor to acknowledge the receipt of your letter of the 19th instant, inclosing an extract from a letter of Dr. Montrose A. Pallen, dated at Montreal on the 14th of December instant, to Hon. E. M. Stanton, Secretary of War, in which Doctor Pallen states that he has received communications which reveal the suffering condition of the prisoners of war confined at Johnson's Island, Point Lookout, Camp Chase, and Camp Douglas; that many of the men are without the necessary clothing even to hide their nakedness, and during the last cold weather several of them absolutely froze to death at Point Lookout, where they are living in tents, and more than half of the 9,000 and more there confined have not even a single blanket for covering or bedding, and sleep on the bare ground. You require me, in reply to the statements in the abstract from the letter of Doctor Pallen to the Secretary of War, to make a detailed report of the condition of the prisoners in my charge, their accommodations in barracks or tents, their subsistence, their clothing, and the provisions made for them in hospital.

I have the honor to report that the specific allegations appear by said extract to be confined to Point Lookout, leaving the general charge of the "suffering condition of the prisoners of war" alone applicable to the depot for prisoners of war near Sandusky, which general

charge will be most effectually controverted by the facts hereinafter reported respecting their actual condition, as indeed the specific allegations contained in said extract of the letter of Doctor Pallen would be, if considered at all applicable to this depot. There are now at this depot 2,633 men prisoners, embracing 287 general, field, and staff officers and 2,274 company officers. The remainder are privates, political prisoners, persons sentenced by courts-martial, and spies. This depot is located on an island in Sandusky Bay, three miles from the city of Sandusky. There is an inclosure of fifteen acres on the south side of the island. It is covered with grass and the prisoners have the full range of the inclosure to within thirty feet of the fence. Within this inclosure are thirteen barracks, in which the prisoners are quartered. The buildings are two stories in height, four of which are severally 117 feet long, 29 feet wide, and each divided into 22 rooms, 2 kitchens and mess-rooms included. Each building contains on an average 150 prisoners. Four of the other barracks are severally 130 feet long and 24 feet wide, divided into 6 rooms. There are 2 kitchens to each barrack, built on as additions to the main building. In each of these barracks are quartered about 230 prisoners. The four other barracks are severally 130 feet long and 24 feet wide, divided into 6 rooms, with 2 kitchens each, in addition to the main building, and in each are quartered 270 prisoners. In the above no allowance is made for those absent in hospital. The remaining building is the hospital. It is 126 feet long, 30 feet wide, and divided into 4 wards. There are, besides, a steward's room and a consulting room. All of the barracks have bunks and stoves in each room. Every bunk has a straw tick, and each prisoner has a blanket issued to him if he has not sufficient of his own, and additional blankets have been issued when called for on complaint of being cold, so that each bunk for two men has an average of three blankets. With regard to clothing, your orders are to issue it when absolutely necessary. It is done when the prisoner is not protected from suffering on account of the cold, or when his clothing is so worn as not to protect his person. Until the sutler was removed, in November last, the prisoners had opportunity to purchase clothing, when needed, to the amount of one suit and change of underclothing, as directed by you, but they have no opportunity now to purchase, and no clothing is allowed, by your orders, to be delivered to the prisoners from their friends, except such as is sent from near relatives, and as many of the prisoners have no relatives within our lines the issue of clothing by the Government will have to be largely increased should these prisoners remain any great length of time. By the report of Lieut. L. M. Brooks, accompanying herewith, it will be seen that since last January there have been issued to prisoners 1,046 trousers, 1,022 shirts, 200 blouses, 270 drawers, 380 pair socks, 13 greatcoats, and 796 pair of shoes. The same quality of rations are issued to the prisoners as to the troops, and in quantity the same as the old army rations. The quantity is much greater, in point of fact, than to the troops on the island, allowing for the company savings resold to the commissary. Bread is issued daily, the same having been baked at the post bakehouse, and is distributed among the different messes of prisoners according to their several numbers. Fresh beef is issued five days in a week. It is cut up and delivered to the different messes according to numbers. Wood is delivered cut into four-feet lengths. The prisoners do all their work of every description, cooking and policing included, and cutting up their wood. It is practically difficult to have them keep their quarters properly policed at all times, either through an appeal to their own health or comfort or by such discipline and

punishment as is resorted to to secure sufficient cleanliness from the details daily made for that purpose from among the prisoners. There is a surgeon and also a physician hired to assist him, who have the charge of the hospital. I believe the sick have had every care and kindness compatible with their condition as prisoners of war. I refer you to the report of Doctor Woodbridge, the surgeon, accompanying herewith, for more particular information respecting the hospital and other provisions for the sick, with the assurance that his statements can be relied on as correct.

In considering the mortality it should be taken into consideration that many came here after great exposure in camp, on marches, and on the battle-field; many wounded, many sick on their arrival, and many very much emaciated. The smallpox has been brought here on three different occasions by prisoners having the disease on their arrival, so that they were carried at once into the pest-house. The truth is that the health of the prisoners greatly improves while at this depot, so much so that there is a marked change in their appearance for the better between their arrival and departure.

Very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel, Commanding Post.

[Inclosure No. 1.]

OFFICE ACTING ASSISTANT QUARTERMASTER,
DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, December 25, 1863.

Lieut. Col. WILLIAM S. PIERSON, *Commanding Post:*

SIR: In obedience to your order I have the honor to make the following statement in relation to the condition of the prisoners confined at this post, viz: First, barracks, &c. There are in all thirteen barracks for the use of the prisoners, including one hospital, each two stories. Four of these barracks are each 117 feet long and 29 feet wide, divided into 22 rooms, including 2 kitchens and 2 double messrooms, and holding at the present time on an average of 150 prisoners. Four barracks are each 130 feet long and 24 feet wide, divided into 6 compartments, with 2 kitchens in addition to the main building, and containing on an average 235 prisoners. Four barracks are each 134 feet long and 24 feet wide, divided into 6 compartments, with 2 kitchens in addition to the main building, and contain on an average 270 prisoners. The hospital is 126 feet long and 30 feet wide, and divided into 4 wards, and contains about 80 patients at present. The barracks are all provided with bunks, tables, and benches, and stoves in all the rooms. Cooking utensils and table furniture are also furnished. Second, rations are issued to prisoners in accordance with the old army regulations and of the same quality as those issued to the U. S. troops. Third, wood is issued for actual use; at present about fifteen cords per day is allowed. Fourth, clothing is issued when absolutely necessary. The issue for the year 1863 is as follows, viz: Trousers, 1,046; shirts, 1,092; blouses, 200; drawers, 270; socks, 380; greatcoats, 13; shoes, 796.

I am, sir, very respectfully, your obedient servant,

L. M. BROOKS,
First Lieut., Hoffman's Battalion Ohio Volunteer Infantry,
Acting Assistant Quartermaster.

[Inclosure No. 2.]

DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, December 25, 1863.

Lieut. Col. WILLIAM S. PIERSON, *Commanding:*

SIR: The number of prisoners received at this post since its organization is 6,410. The health of the prisoners has been as good as could have been expected with the same number of men, with their general health impaired by previous disease, exposure, and bad diet, and while there has been the ordinary sickness of camps and prisons, we have had also fevers of a typhoid type, rubeola, smallpox, erysipelas, hospital gangrene, and diphtheria; but the mortality has been small in the aggregate and also in the number of cases attacked. The whole number of deaths from all causes has been 127, an average of six and one-third per month. The cases have been as successfully treated here as they could have been anywhere with the confinement and the fact that prisoners are apt to get into a low condition and despondent, being away from home and friends; but uniform kindness of manner and encouraging language give them hope and confidence of recovery. The accommodations for the sick are good. The hospital building is 126 feet by 30 feet, with a transverse hall 6½ feet wide in the center; there are 4 wards 48 by 30 feet, containing 80 beds, and giving to each patient, when full, 728 cubic feet of atmospheric air. The office and steward's room is below, and immediately above is the consulting-room, used also as a sleeping-room by the house surgeons, that they may be always at hand to attend to the wants of the patients, and never since the establishment of the hospital have I been without competent Confederate surgeons to assist me in attending the sick, and who cheerfully gave their time to that duty. When the surgeons were exchanged, I have supplied their place with surgeons holding commissions in the line. The cooking arrangements are good, and I now have a professed cook, who is most apt in getting up many nice dishes for the sick. In addition to the rations I furnish them flour, potatoes, corn meal, butter, eggs, chickens, tea, &c.; milk being the most difficult to obtain, and in winter the supply is very meager on the island. Of medicines and stimulants the supply is liberal, and more than double the proportion used by the same number of our troops. The bedding is sufficient in bed sacks and blankets, but the number of sheets and pillows is insufficient for all, but the most needy are supplied. The smallpox has been three times brought here by prisoners from this point, but the cases are immediately removed from the prison to the pest-house, which narrows as much as possible the chance of contagion, and with twenty-six cases here since July there have been but four deaths, and they all of the confluent variety. We have been so fortunate as to lose none with hospital gangrene. If it be proper in this, I would recommend that some provision be made by which the prisoners can purchase onions, cabbage, and potatoes. In my opinion there are not sufficient vegetables in the old army rations for the permanent health of the prisoners. So little time has now elapsed, however, since the prisoners had the opportunity to purchase of the sutler that the evils arising in camp for want of sufficient vegetable diet have not become manifest.

I am, very respectfully, your most obedient servant,

T. WOODBRIDGE,
Surgeon Hoffman's Battalion, Depot Prisoners of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 26, 1863.

Maj. Gen. N. P. BANKS,
Commanding Department of the Gulf, New Orleans, La.:

GENERAL: Some time in July last the War Department found it necessary to suspend the operation of so much of General Orders, No. 60, of June 6, 1862, and No. 90, of July 26, 1862, as direct that medical officers and chaplains who may be captured shall be unconditionally discharged, they being non-combatants, but recently, the cause of the suspension having been removed, the orders above alluded to have again been put in full force.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Maj. Gen. U. S. Grant, commanding Division of the Mississippi, Chattanooga, Tenn.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 26, 1863.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: I have the honor to acknowledge the receipt of your letter of the 20th instant in relation to the erection of a hospital on the New Jersey shore, and in reply I have to inform you that the Secretary of War approves your suggestion to substitute a tent hospital, if you find one necessary, for the frame hospital ordered.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

ASSISTANT INSPECTOR-GENERAL'S OFFICE,
HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 26, 1863.

Capt. H. L. PIERSON, Jr.,
Assistant Adjutant-General, Provost-Marshal-General:

CAPTAIN: I have the honor to report to you that the prisoners of war sent up by you were yesterday delivered to the Confederate authorities in exchange for prisoners of ours in their hands.

Colonel Vincent, C. S. Army, has applied for permission to have a trunk of female apparel sent out to his wife from New Orleans. Maj. Gen. W. B. Franklin has himself no objection to allowing this, provided the provost-marshal-general deems it advisable and proper.

If the request is brought to your notice by Colonel Vincent's friends in New Orleans I have to request you to give it such consideration as you think best.

Should any such trunk be sent to us to forward, we shall, of course, understand that it has been carefully examined.

The major-general commanding desires me to call your attention to the fact that the Confederate prisoners, both officers and men, who arrived from New Orleans were accompanied by a large amount of baggage, consisting of extra suits of clothing, spurs, belts, files, cotton, needles, playing-cards (by the gross), and writing-paper (by the ream).

I am, captain, your obedient servant,

EDWARD L. MOLINEUX,
Colonel and Commissioner for Exchange of Prisoners.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, December 27, 1863.

Hon. E. M. STANTON, *Secretary of War:*

SIR: On Thursday last, in compliance with your order by telegram, I went to Point Lookout and made a full inspection of its locality as a prisoners' camp, the means of retaining the prisoners within and defending it from any attack from without, and also of the condition of the prisoners there confined, and made inquiry into the general administration of the affairs in that district.

Immediately upon receiving your suggestion of the possibility of a rescue I sent the army gun-boat General Jesup to report to General Marston, and also a very efficient light battery.

I am convinced that Point Lookout is one of the best situations and with sufficient capacity to retain and control all rebel prisoners that we have or are likely to have in our hands. It is entirely defensible, owing to its situation, with much less than the present force guarding it, against the attack of the whole of General Lee's army.

I found the prisoners well fed, perfectly well covered as regards tents, and sufficiently clothed.

I send appended a memorandum of a conversation reduced to writing by my phonographic clerk and afterward sworn to by the six Confederate prisoners who were sergeants of the cook-houses. It will be observed that their statement is a complete answer to all slanders against the management of the prisoners.

I found that the internal administration of the post had been very satisfactorily carried on by Brigadier-General Marston, who deserves much credit for his efficiency and economy, but I think the external arrangements are exceedingly expensive. All the supplies, whether quartermaster's or commissary's, are furnished from Washington; so that bread and forage are first to be carried by Point Lookout to Washington and then brought back and delivered at Point Lookout. That necessitates the running of a steamer daily between Washington and that point. I shall take leave to alter the arrangement as to supplies, and shall furnish the supplies directly from Baltimore or New York, to be landed at Point Lookout without any transshipment.

I also propose that the steamers of the Bay Line, being mail steamers running between Baltimore and Fortress Monroe, as they pass Point Lookout each way on their route, shall stop there for the mail matter and passengers, so that communication between Point Lookout and Washington by mail will be twice as frequent as at present and every day between Fortress Monroe and Point Lookout, and that, too, without any additional expense to the Government and the saving of a steam-boat upon the Potomac. I have written to the Postmaster-General so to arrange the mails. This will relieve the services of one steamer plying on the Potomac River.

I find that there has been the sum of $65,000 in cash saved from feeding the prisoners, over and above the allowance. I propose to use such portion of that fund as may be necessary for the purpose of furnishing facilities of transportation in the exchange of prisoners which are now chargeable to the Quartermaster's Department.

I have taken 500 prisoners from Point Lookout and sent them to City Point by flag of truce, as opening the exchange, and I expect to be able to telegraph you by the time you receive this report of the success of the experiment, and I will then report at length the correspondence had between Mr. Ould and myself upon the subject of exchange. I have sent none away that did not desire to go.

I am informed that large numbers of the prisoners would enlist in our service if thought proper, and to that I see no objection.

I have the honor to be, very respectfully, yours,

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., December 24, 1863.

Conversation between Maj. Gen. B. F. Butler and six Confederate prisoners, sergeants of the cook-houses at the prisoners' camp.

GENERAL. The command of this district being put under my charge I want to know exactly, from each of you, how the prisoners are treated, and as I can't examine them all I have taken you as the representative men, who know the most about it. I want to know the facts. You may state them to me without fear, favor, or affection, and that you may not feel embarrassed at all General Marston has withdrawn, and if you have any desire, any of you, I will ask Sergeant Wilkinson to withdraw also. (Sergeant Wilkinson is acting commissary sergeant.)

Sergeant OLIVER. I don't think that there is a man in this brigade who could please us better, sir, than Sergeant Wilkinson.

ALL. We all agree to that, sir. No man could please us better.

GENERAL. What is your name, sir?

SERGEANT. W. A. T. Oliver.

GENERAL. How long have you been here?

OLIVER. About four months. I was one of the first thousand that came to the point.

GENERAL. You are sergeant of a cook-house? What is your duty?

OLIVER. To see that the rations are drawn and cooked and divided among these 1,500 men that I have charge of. I have been in the business about three months.

GENERAL. In what regiment, company, and corps were you?

OLIVER. Company D, First Texas, Hood's division, Longstreet's corps.

GENERAL. Do you know what the ration allowed for a prisoner is?

OLIVER. I do not, sir.

GENERAL. Do you see the rations dealt out?

OLIVER. Yes, sir.

GENERAL. What do you receive per day each man?

OLIVER. Well, sir, for 1,450 to 1,500 men we get three barrels of pickled pork a day, ten crackers a day each, a cup of coffee, about two-thirds of a cup that makes about a pint of coffee twice a day. We get the coffee twice a day when we don't have soup. When we have soup it is in lieu of coffee.

GENERAL. Is that every day?

OLIVER. No, sir.

GENERAL. What change is there from that?

OLIVER. We average soup every third day. One barrel of beans with the surplus crackers makes a first-rate cup of soup—two-thirds of a cup—a pint of soup.

GENERAL. Do you put any meat in it?

OLIVER. No, sir; we put the meat on the table.

GENERAL. The soup is made of the liquor in which the meat is boiled?

OLIVER. Yes, sir; we generally boil about two barrels of meat with the beans.

GENERAL. You have that about every third day?

OLIVER. Yes, sir. We have been getting turnips lately. We have turnips and pork to-day. One barrel or two barrels of turnips and one barrel of carrots cut up make a good soup.

GENERAL. Anything else?

OLIVER. We have had some cabbage.

GENERAL. Yes; but have you any other change from day to day?

OLIVER. I believe that is all the change we have had—light bread and fresh meat twice a week, now we get it about once a week.

GENERAL. Is fresh meat dealt out extra?

OLIVER. It is a ration instead of the salt-meat ration.

GENERAL. How much fresh meat do you get?

OLIVER. From four and a half to five and a half quarters.

GENERAL. Do you see it weighed?

OLIVER. No, sir.

GENERAL. Weighing about how much on an average—do you know?

OLIVER. I can't tell you; as a general thing we have got very fine beef.

GENERAL. That is for your division of 1,500 men?

OLIVER. Yes, sir; diminished as much as it may be by those gone to the hospitals and absent. Generally we give in our reports, and if there is twenty-five or fifty men come from the hospital we get a little extra sometimes.

GENERAL. Is it gauged, then, upon a standard of 1,500 men?

OLIVER. Yes, sir.

GENERAL. Well, now, in this matter of food, to save going all over this matter with each one of you, I will ask you that if either of you has anything to add to this statement you will make it known.

Sergt. R. M. Brooks, Company D, Fourth [Forty-seventh] Virginia, Hill's corps; J. D. Palmer, Company C, Fifty-fifth Virginia Regiment, A. P. Hill's corps; W. T. Johnson, Company M, Fifty-fifth Virginia Regiment, Heth's division, A. P. Hill's corps; C. P. Mooring, Company D, Twenty-second Virginia Battalion; Thomas Otis, Company D, Seventh Texas, General Gardner's division, all say: We have nothing to add, sir; he has stated my case, sir.

GENERAL. Is this amount honestly and regularly dealt out to you, as far as you know?

OLIVER (all joining). It is, sir. I have never sent to Sergeant Wilkinson and demanded anything but what he has given me.

GENERAL. Well, now, I want to know and see that there is no cheating done here; after it is dealt out to you, is it honestly given to the men?

OLIVER. Yes, sir. I have given strict attention to that myself. We get so much and we are responsible for it.

(All say that they concur in the above statements of Sergeant Oliver.)

GENERAL. Well, now, as to the houses of the men.

OLIVER. They are in tents, sir.

GENERAL. How many are there to a Sibley tent?

OLIVER. I am not able to tell much about the tents.
Sergeant JOHNSON. I heard there were sixteen, sir.

GENERAL. Have those tents all stoves or chimneys?

SERGEANTS. All chimneys, but few stoves.

GENERAL. How have you been supplied with wood?

SERGEANTS. We get ample wood at the cook-houses for cooking purposes. There is some grumbling in the camps with regard to wood. When we want it in the cook-houses we go to Sergeant Wilkinson and get it.

GENERAL. When the rations are cooked where are they eaten?

OLIVER. Right in the room. We have six houses right adjoining. The eating and cooking is in the same place.

GENERAL. Then all eat under cover?

SERGEANTS. Yes, sir.

GENERAL. Is your coffee sweetened?

ALL. Yes, sir.

GENERAL. Is there much complaint; and if so, how much with regard to the scarcity of food?

SERGEANTS. There is sometimes a good deal of grumbling. Soup days give satisfaction, and the pork days. We generally get four barrels of pickled beef instead of three barrels of pickled pork. Pork gives better satisfaction than beef. The potatoes are played out. They generally gave bad satisfaction.

GENERAL. You get more beef than you do pork?

OLIVER. Well, sir, the beef is used to make soup of, and it boils down a considerable.

GENERAL. Why is it that the potatoes gave you dissatisfaction?

OLIVER. Well, general, you see, sir, we drew about six barrels of potatoes for half rations—six barrels of potatoes and crackers. We used to draw potatoes instead of bread and then sometimes the potatoes were bad and the commissary could not make them good, so we had a bad ration.

Sergeant JOHNSON. I would add that we have sometimes drawn molasses to eat with the soft bread.

GENERAL. How are the men supplied with blankets?

OLIVER. So far as I know there is great complaint in regard to blankets. I have drawn from my cook-house a blanket for nearly every man in the house. We have thirty men in the house.

MOORING. I have drawn no blankets in my house. I have got none myself; I have never had one.

GENERAL. How do you compare so far as comfort is concerned and as to clothing and food with men in the field; I mean in the field with you in the Confederate service?

ALL. They are better off in the field as regards clothing and rations.

GENERAL. That is, when you were soldiers in the field you were better off than you are now?

ALL. Yes, sir.

GENERAL. Do you mean to say that was the rule in the Confederate service?

PALMER. That was the rule in my regiment. We always drew clothing and had plenty to eat. Sometimes we had flour over.

GENERAL. Well, I only want to know the exact state of things.

OTIS. The Western army, where I was, was pretty short of rations.

BROOKS. I think we lived better in our army than we do here.

JOHNSON. Here we have not had plenty of clothing. I have never drawn anything except a pair of pants and a shirt. I have been here since the 9th day of August.

GENERAL. The Confederate authorities say that our prisoners fare as well as their soldiers in the field; now, if your judgment is that your prisoners of war here do not fare as well as you do in the field, I shall call on the Confederate authorities to make up the rations to our men

on Belle Isle to what it is here. But let me ask, are there any instances of abuse or ill-treatment here?

OLIVER. I have never received any.

(All state that they know of no instance, save that when they first came here they used to detail some of the men out of the companies to work. The men did not want to work, but they were made to.)

GENERAL. On what?

JOHNSON. In building houses and preparing the ground for their reception. But they have now plenty of hands to work whenever they want them. They volunteer to work whenever they are called upon.

GENERAL. Suppose that we should add beef enough to give you a pint of soup every day instead of coffee, would your men feel perfectly satisfied, so far as the eating part is concerned?

OLIVER. They are most dissatisfied with their rations of salt and fresh beef. We get our tack and that is more than we can eat. It is only beef days that there is a scarcity.

GENERAL. You think they would be reasonably well off if they could have their fresh meat made up equal to their pork?

OLIVER. Yes, sir; if they could draw more fresh beef to make the rations as large as they are when they get pork it would be right. Some days we have twenty-six boxes of crackers, and some days they fall a little short in number, and sometimes a little over. Our general ration of crackers a day is ten. Whenever it falls short of the number of pieces it is made up in weight. I soon found that out. I saw that some of them were a great deal larger than others.

GENERAL. So you get what would be the value of five crackers a meal?

ALL. Yes, sir.

GENERAL. Give me the number of men fed by you according to your reports?

SERGEANTS. Oliver: My last report was 1,450. Brooks: My report was 1,482. Palmer: Mine was 1,440. Johnson: Mine was 1,516. Mooring: Mine was 1,490. Otis: Mine was 1,410.

PALMER. The reports are made out as follows: The sergeants of the companies have charge of the men and it is left to them to call the roll and to report to us, as well as those in authority over us, the number of men, and we report to the commissary-sergeant whenever we draw fresh bread.

GENERAL. Well, have you anything further to add?

ALL. No, sir.

GENERAL. I have had all this taken down just as you have said it. Are you willing when it is written out to sign it?

ALL. Yes, sir.

W. A. THOMP. OLIVER,
Sergeant, Company D, First Texas Regiment.
R. M. BROOKS,
Company D, Forty-seventh Virginia Regiment.
JOHN D. PALMER,
Company C, Fifty-fifth Virginia Regiment.
WILLIAM T. JOHNSON,
Company M, Fifty-fifth Virginia Regiment.
C. P. MOORING,
Twenty-second Virginia Battalion.
THOMAS OTIS,
Company D, Seventh Texas.

Signed in the presence of John I. Davenport.

POINT LOOKOUT, SAINT MARY'S, VA.,
December 24, 1863.

This is to certify that Sergts. W. A. Thomp. Oliver, R. M. Brooks, John D. Palmer, William T. Johnson, C. P. Mooring, and Thomas Otis, members of the Confederate Army, now held as prisoners of war at this point, personally appeared before me, and the above minutes of the conversation held between themselves and Maj. Gen. B. F. Butler, of the U. S. Army, being in my hearing read to them, they each of them affixed their signatures as above, and thereupon after being witnessed they each of them were by me sworn and declared that the statements herein contained were true, to the best of their knowledge, information, and belief, and were truly stated herein.

H. Q. SARGENT,
Lieutenant, Twelfth New Hampshire Volunteers,
Judge-Advocate, General Court-Martial.

FORT MONROE, *December 27, 1863.* (Received 11.20 a. m.)

Hon. E. M. STANTON:

Is there any objection to my enlisting as many prisoners as may desire to do so after they know they can be exchanged either in the regular or volunteer force of the United States or that of any State?

B. F. BUTLER,
Major-General, Commanding.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 27, 1863.

Maj. Gen. E. A. HITCHCOCK, *Commissioner of Exchange:*

SIR: I have this day received from Maj. Gen. B. F. Butler a copy of a communication to him, signed by yourself as commissioner for the exchange of prisoners, in which it is stated that by the authority and orders of the U. S. Secretary of War Maj. Gen. B. F. Butler was appointed "special agent for the exchange of prisoners of war at City Point."

You are doubtless aware that by proclamation of the President of the Confederate States Maj. Gen. B. F. Butler is under the ban of outlawry. Although we do not pretend to prescribe what agents your Government shall employ in connection with the cartel, yet when one who has been proclaimed to be so obnoxious as General Butler is selected self-respect requires that the Confederate authorities should refuse to treat with him or establish such relations with him as properly pertain to an agent of exchange. The proclamation of President Davis forbids that General Butler should be admitted to the protection of the Confederate Government, and he cannot therefore be received under a flag of truce. Accordingly, I am directed by the Confederate authorities to inform you that Maj. Gen. B. F. Butler will not be recognized by them as an agent of exchange.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 27, 1863.

Maj. JOHN E. MULFORD, *Assistant Agent of Exchange:*

SIR: I have received your letter announcing your arrival with Confederate prisoners. I have this day forwarded to you an equal or greater number of Federal prisoners.

I received with your letter several communications from Major-General Butler. In no one of them is it stated that the United States Government is willing to resume the cartel and deliver all of our prisoners now in captivity, the excess on either side to be on parole. I have, more than once, expressed the entire willingness of the Confederate Government to deliver the Federal prisoners now in our hands, provided the U. S. authorities will deliver the Confederate prisoners in their hands. This is the provision of the cartel and we can accept nothing less. Unless this is the distinct understanding, no equivalent will be delivered to you for any Confederate officers and soldiers whom you may hereafter bring to City Point. In the hope that such is the understanding I have directed that a number greater than the total of your delivery shall be sent to you.

In no event can we consent that the general release of prisoners so distinctly required by the cartel shall be evaded by partial deliveries. Accepting the present delivery as a step toward a general exchange on the principles of the cartel, I trust I may be permitted the hope that deliveries on the basis above indicated will be continued until all the troops in confinement on both sides are released.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

FORT MONROE, VA., *December 28, 1863.*
(Received 11.40 p. m.)

Hon. EDWIN M. STANTON, *Secretary of War:*

Flag-of-truce boat in with 520 returned prisoners. Further exchange stopped after sharp debate in rebel cabinet. Major Mulford will bring dispatches by noon to-morrow. No news of interest from Charleston or the West.

B. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, December 28, 1863.

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: Acting on the instructions sent me from the Department I forwarded to City Point 505 prisoners, officers and soldiers, accompanied by a letter proposing an exchange of all the prisoners actually held in custody, holding in abeyance all other questions relating to the subject between this Government and the rebel authorities, upon belief that a fair, honorable, and just proposition of exchange of prisoners actually in custody would be accepted, leaving other questions of difference to be adjusted by other negotiations. With this view I was careful that nothing should appear in my note which could be made either a cause or pretext for offense.

The result has been that 520 prisoners of war held by the Confederates have been sent back in exchange, and the information is afforded Major Mulford, assistant agent, and Major-General Hitchcock, commissioner of exchange, by letters from Robert Ould, Confederate commissioner of exchange, which are inclosed,* which assert in substance that unless the United States give up every claim which they have made in behalf of their soldiers who are prisoners of war; consent to sacrifice the colored soldiers the Government has enlisted; turn over their officers to the cruel punishments imposed by the pretended law of the Confederate Congress; and last, and much the least, consent officially that the person to whom the Government has intrusted the command of this department shall be executed immediately upon capture, and that he and all officers serving under him shall be excluded from all the benefits of the laws which regulate civilized warfare and from even the privilege of communication by flag of truce, for such is the tenor of a proclamation from Jefferson Davis under which they shelter themselves; that no exchange can be effected while our soldiers, prisoners in their hands, are to be maltreated, starved, ironed, or hanged, as suits their caprice.

There is but one way, it seems to me, to meet this question, and that is by the sternest retaliation.

This Government stands before the world as having offered in every form, and through every variety of agent, to exchange men actually in prison, the starvation of whom is justified by the public journals of the Confederacy upon the ground that they have not food enough to feed their own soldiers, a condition of things which, by every writer upon the law of nations, is held to require a release of the prisoners so held without ability on the part of the captors to see to it that they are fed. Nor is the condition altered because by contributions by the friends of the prisoners and our Government our soldiers, their prisoners, have been kept from suffering the last pangs of hunger.

I ask leave, therefore, to be enabled to take into my custody a sufficient number of the rebel officers held by us and have them so placed under such orders as to insure the safety of every prisoner that may fall into their hands. If such orders shall be given me I will see to it that under no possible circumstances shall there be doubt upon the point.

If these frantic men, with a bad cause and a dissolving power, choose to make this war one of extermination, twenty millions to two, as the war now stands, makes it a matter of easy arithmetical calculation when it will end.

I would further suggest that every rebel prisoner and officer be put upon precisely the same and measured allowance as to food, under precisely the same and no different treatment as to clothing and fire, as our suffering prisoners.

Now, having exhausted negotiation, conciliation, offers of amnesty and pardon, let the Government call upon the loyal North for volunteers to relieve these prisoners, and there will be no occasion for either bounty or other inducements to fill up our armies. Certain it is, in my judgment, that the rebel authorities could have done no better act for us, to unite our people, to rouse again the enthusiasm of the country to the point at which it stood when the attack on Sumter was heard, and thus enable the Government to exert all its strength to bring the war to a speedy conclusion; for there is no loyal man in the country who

* Ould to Hitchcock and Mulford, December 27, pp. 768, 769.

can read at one and the same time the proclamation of grace and pardon by the President and an accurate account of the condition of our prisoners in the hands of the rebels who would dare to raise his hand or voice in opposition to the Government of his country.

In order that it may fully appear that this stoppage of exchange, once again begun, has been from no fault on my part, I beg leave to inclose copies of every communication, official or unofficial, that has passed between me and Robert Ould, their commissoner of exchange.* Although many of them are not relevant to this precise subject, one at least will show how shallow is the pretext personal to myself upon which they refuse to treat with me.

When I was sending medicines to prevent the spread of a loathsome disease among their citizens I was not so "obnoxious" to Jefferson Davis but that the medicine was received, and the usual official courtesies passed between his agent and myself. But when a pretext was sought for to prevent a fair and honorable exchange of prisoners of war, then a cowardly proclamation, issued after I was relieved from command to his knowledge, which has lain dormant a year, is brought forward.

So long as I am honored with a command in the forces of the United States I will see to it that if a hair of the head of one of my officers or soldiers is injured, except in honorable warfare, that day shall be a day of mourning for all south of Mason and Dixon's line.

I have the honor to be, very respectfully, yours,

BENJ. F. BUTLER,
Major-General, Commanding.

CHATTANOOGA, *December 28, 1863.*

Lieut. Gen. W. J. HARDEE,
Commanding C. S. Forces, Department of Tennessee:

Your communication of the 23d December, relative to Capt. F. B. Gurley, who is now on trial for the murder of General McCook, I found here on my return from Nashville, where I have been spending a few days.

Captain Gurley being an officer in the Confederate Army does not preclude the possibility of his having committed a foul murder, for which he can be held fully amenable by the laws of war, and if found guilty punished with death.

Captain Gurley has been charged with murder not justified by any position he can possibly hold. He will receive a fair and impartial trial. If acquitted of murder he will be held as a prisoner of war. If found guilty, not being the reviewing officer myself, I am not prepared to say what action will be taken.

Whilst at Nashville I received a communication from General Forrest making the same statement of Captain Gurley's position that you do. That communication I referred to the commission which is trying his case. The same disposition will be made of your communication.

This is addressed to you at Rome, Ga., your letter having nothing to guide me as to where it was written from, and supposing that to be your present headquarters.

U. S. GRANT,
Major-General, U. S. Army.

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* See Butler to Ould, December 7, and subsequent correspondence in chronological order.

ASSISTANT INSPECTOR-GENERAL'S OFFICE,
HEADQUARTERS NINETEENTH ARMY CORPS,
New Iberia, La., December 28, 1863.

Maj. Gen. W. B. FRANKLIN, U. S. Army:

GENERAL: I have the honor to report that the exchange agreed upon by the cartel of December 13 has been fully and satisfactorily effected. The exchange took place at noon on the 25th instant at the old stage station, midway between Vermilionville and New Iberia, and a verbal agreement was entered into that no hostile movement or demonstration should be made by the Confederates toward New Iberia and its rear or on our part toward Vermilionville and its rear during the 25th, 26th, and 27th instant, for the purpose of giving each party sufficient time to refresh and send to the rear the exchanged and paroled men.

I would respectfully refer you to the herewith rolls of exchange and paroled prisoners by which we receive back and report for duty to their respective regiments 29 commissioned officers, 222 non-commissioned officers and privates, and received in charge 449 paroled prisoners subject to a cartel to be entered into between the commissioners on behalf of Maj. Gen. N. P. Banks, U. S. Army, and Maj. Gen. R. Taylor, C. S. Army.

At the request of the commissioner for Maj. Gen. R. Taylor, C. S. Army, the paroled prisoners before being delivered were drawn up in line and it was announced to them that their paroles were binding upon them until regularly exchanged; that they had been delivered into the charge of the United States to prevent suffering among them during the winter; that in the event of no amicable arrangement being made they were subject to be returned to the custody of their captors, although such a contingency was not likely to occur.

The roll was then called over and corrected and the said paroled men delivered over to me in good faith, upon my simply signing receipt for the correct number at the foot of each roll.

In compliance with your instructions those of our men suffering for the want of shoes, blankets, &c., were supplied, provisioned, and the exchanged officers and men of the regiments at this place sent to their commands.

Those belonging to the Thirteenth Army Corps were sent, under a guard, to report to Brigadier-General McGinnis at Algiers, and the paroled prisoners, under guard, to Brigadier-General Bowen, provost-marshal-general, at New Orleans.

It is with considerable pleasure that I can report that the Confederate prisoners—officers and men—were anxious to express their feelings at the humane manner in which they had been treated while in hands of the U. S. authorities; but I consider it my duty to call attention to the following fact:

Many of the prisoners who were despondent at the prospects of the Confederacy before they were sent to New Orleans on their return from that city seemed to be animated with a different feeling and to have been encouraged in their treason and hopes from the numerous interviews which they reported to have had with rebel sympathizers and friends visiting them in that city.

They arrived here—the officers and, in many instances, the men—with presents of two, and sometimes three, suits of clothing and underclothes. I suffered the officers to pass their clothing, but I deemed it proper, as provost-marshal-general in the field, to seize such articles as the following, which the men had concealed, viz, files, cotton thread,

needles, spurs, paper, playing-cards, shoes, medical scales, in undue quantities.

I respectfully mention this, although I do not know that it can be avoided if necessity compels the keeping of prisoners in the city of New Orleans. It is to be regretted that this exchange, which is now ended between your commissioner and that of Maj. Gen. R. Taylor, C. S. Army, should not have been successful in effecting the release of Mr. Gatchell, news correspondent. In every other respect it has been entirely satisfactory to Major Levy, commissioner of C. S. Army, and myself, and I trust will meet with your approval.

Respectfully, your obedient servant,

E. L. MOLINEUX,
Col. and Commissioner for Maj. Gen. W. B. Franklin, U. S. Army.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 28, 1863.

Surg. A. M. CLARK,
Acting Medical Inspector Prisoners of War,
West House, Sandusky, Ohio:

SIR: My instructions to you in relation to the service you are now upon did not particularly state to what extent I expected improvements in the hospitals you are visiting carried, and I think it proper to make some suggestions on this point. As the prison camps are of a temporary character, and may not be occupied for more than two or three months, or may be for a year or two, it is only desirable to put things in such a condition as to make the sick as comfortable as the promptings of humanity demand during the time they may be occupied. It is not expected that the hospitals will be fitted up with all the conveniences and with all the comforts of well-organized and permanent establishments, but all practicable arrangements for cleanliness in their persons, their clothing, their bedding, and of the hospital and for protection against the weather should be made, as far as the buildings occupied and the means at command will allow. At best it must fall far short of perfection, but it is hoped the essential will be sufficiently attained to insure that there shall be no want of comfort. Whatever is done should be done with a due regard to economy.

On arriving at a station you will of course, as a first step, report to the commanding officer and show him your instructions if he desires to see them.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *December 28, 1863.*

General JOSEPH E. JOHNSTON, *Dalton, Ga.:*

Information is received that Capt. Frank B. Gurley, a gallant partisan, acting under authority from General E. K. Smith, has been captured while sick in Alabama, and is about to be tried by military commission at Nashville as a bushwhacker or unauthorized insurgent. He killed General R. L. McCook, and is thus the object of special spite. Make inquiry, and if satisfied of the facts take proper steps to warn against and prevent such outrage.

J. A. SEDDON,
Secretary of War.

WASHINGTON, D. C., *December 29, 1863.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

SIR: The Secretary of War, in the belief that the treatment of prisoners of war in Richmond has been materially improved, is disposed to authorize, and he desires, that prisoners held by us shall be allowed to purchase from sutlers such articles as may be necessary for their comfort—tobacco, pipes, paper, and a few other things which must be designated under your instructions.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 29, 1863.

Maj. Gen. B. F. BUTLER,

Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: I have the honor to inclose herewith a letter* referred by Mr. Ould from medical officers recently held at Fort McHenry as prisoners of war, complaining of the treatment received while at the fort. I have indorsed upon it a reply to such of their complaints as are of any consequence, though I have great doubt of the propriety of taking any notice of such a paper.† Mr. Ould has forwarded several such complaints, some of them being mere tissues of untruths, all of which have been satisfactorily answered, and he has no right to expect that they shall be further answered. I respectfully refer this case to you for such action as you may deem proper.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 29, 1863.

Maj. Gen. B. F. BUTLER,

Commissioner for Exchange of Prisoners, Fort Monroe, Va.:

GENERAL: Some months since I requested General Meredith to propose to Mr. Ould to make an exchange of lists of officers held as prisoners of war by both parties from time to time, and also list of officers and soldiers who have died or may die while so held. The proposition was accepted, and I have furnished through General Meredith full rolls of all officers held by us up to the 1st of October, and all officers and soldiers who have died up to the 1st of April. In return I have received a roll of officers held at Richmond to October 26, and a list of less than 200 deaths, which of course is very far short of the number who have died. I will forward to you to-day by mail a roll of 764 officers captured since the 1st of September, which may contain the names of some who were on the roll heretofore furnished, as, to insure that none should be omitted, I have gone back to the 1st of September. I send at the same time a list of 250 deaths, covering all cases not before reported. I would respectfully suggest that before these rolls are

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* Not found.

† See p. 639.

delivered there should be a clear understanding with Mr. Ould that he will furnish in return as full rolls of all officers held in their prisons, and of all deaths of our officers and soldiers which have occurred in Richmond or elsewhere. The list of deaths Mr. Ould has furnished falls very far short of what we have a right to expect. He has received lists of thousands, while he returns less than hundreds.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

DEPARTMENT OF THE SOUTH, HDQRS. IN THE FIELD,
Folly Island, S. C., December 29, 1863.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners:

GENERAL: I have the honor to transmit herewith the reports of commanding officers of colored regiments serving in this department, as requested in your letter of the 2d instant.

The statement of Colonel Tilghman, Third U. S. Colored Troops, in relation to the body of one of his men having been tied to a torpedo, embodies the substance of a rumor which was at one time credited, but soon after disproved by the testimony of the engineer and other officers who were on the spot.

I am satisfied that Colonel Tilghman's information on the subject is erroneous, and for the purpose of placing in your possession all the information to be had upon the subject, I inclose an extract from the journal of siege operations on Morris Island, prepared by Maj. T. B. Brooks, aide-de-camp, who was the engineer in charge at the point where the man was killed.*

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Major-General, Commanding.

[Inclosure.]

HDQRS. FIFTY-FOURTH MASSACHUSETTS VOLUNTEERS,
Morris Island, S. C., December 13, 1863.

Lieut. Col. E. W. SMITH, *Assistant Adjutant-General:*

SIR: In compliance with your letter dated December 12, 1863, I have the honor to make the following report:

Since this regiment reported for duty in this department the following casualties have occurred:

Field and staff.—Morris Island, July 18, 1863: Col. R. G. Shaw, killed; Lieut. Col. E. N. Hallowell, Adjt. G. W. James, wounded.

Line officers.—Morris Island, July 18, 1863: Wounded, 9; missing, 2 (Capts. W. H. Simpkins, C. J. Russell).

Enlisted men.—James Island, July 16, 1863: Killed, 14; wounded, 18; missing, 13. Morris Island, July 18, 1863: Killed, 20; wounded, 125; missing, 102. In trenches on Morris Island since July 18, 1863: Killed, 4; wounded, 4.

Being wounded during the action on Morris Island July 18, 1863, I was precluded from getting positive evidence at the moment of what the officers and men saw of the taking of prisoners and leaving of wounded on the ground, but the observations of Mr. Trumbull, chaplain

*See Series I, Vol. XXVIII, Part I, p. 296.

of the Tenth Connecticut Volunteers, who was taken prisoner during said action, and who has since been returned to his regiment, give me assurance satisfactory to my own mind that between 50 and 100 enlisted men of this regiment were taken prisoners during said action. This, coupled with Jeff. Davis' proclamation that he would not treat blacks or their officers as prisoners, furnishes the strongest circumstantial evidence that a large number, say between 50 and 100, were taken and are now held by the rebels. Chaplain Trumbull made the statement I have referred to to Maj. James Sturgis, assistant adjutant-general to John A. Andrew, Governor of Massachusetts.

I have no evidence that any officer or enlisted man of this regiment has been treated by the rebels in a barbarous manner. The killed, wounded, and missing were killed, wounded, and taken prisoners, as far as I am able to ascertain, in fair fight.

Very respectfully, your obedient servant,

E. N. HALLOWELL,
Colonel, Commanding Fifty-fourth Massachusetts Volunteers.

GENERAL ORDERS, No. 52. } HDQRS. SEVENTEENTH ARMY CORPS, DEPARTMENT OF THE TENNESSEE, *Vicksburg, Miss., December 29, 1863.*

The following circular has been issued by the major-general commanding, and is now published in general orders for the information and guidance of all parties interested, who will make a note of it and govern themselves accordingly:

CIRCULAR.] HEADQUARTERS SEVENTEENTH ARMY CORPS, PROVOST-MARSHAL'S OFFICE, *Vicksburg, Miss., December 27, 1863.*

The following-named persons—Miss Kate Barnett, Miss Ella Barnett, Miss Laura Latham, Miss Ellen Martin, Mrs. Moore—having acted disrespectfully toward the President and Government of the United States, and having insulted the officers, soldiers, and loyal citizens of the United States who had assembled at the Episcopal Church in Vicksburg on Christmas day for divine service by abruptly leaving said church at that point in the services where the officiating minister prays for the welfare of the President of the United States and all others in authority, are hereby banished, and will leave the Federal lines within forty-eight hours, under penalty of imprisonment.

Hereafter, all persons, male or female, who, by word, deed, or implication, do insult or show disrespect to the President, Government, or flag of the United States, or to any officer or soldier of the United States, upon matters of a national character, shall be fined, banished, or imprisoned, according to the grossness of the offense.

By order of Major-General McPherson:

JAMES WILSON,
Lieutenant-Colonel and Provost-Marshal Seventeenth Army Corps.

By order of Maj. Gen. James B. McPherson:

W. T. CLARK,
Assistant Adjutant-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, December 29, 1863.

Judge OULD, *Commissioner of Exchange, Richmond, Va.:*

DEAR SIR: I beg to call your attention to the condition of the troops of this State on the Chowan River under the command of Colonel Hinton. As you will see by the letters from a Yankee general by the name

of Wild, which Colonel H. will show you, they refuse to treat them as prisoners of war, though regularly commissioned by law. They have also murdered several soldiers and have arrested two respectable ladies, whom they keep handcuffed as hostages for two negro soldiers and declare their purpose to hang them in case the negroes are hung. I must ask you to see if some arrangement cannot be made to include these troops within the cartel of exchange, and repress, if possible, this horrible, cowardly, and damnable disposition on the part of the enemy to put women in irons as hostages for negro soldiers. Such men as this Wild are a disgrace to the manhood of the age; not being able to capture soldiers, they war upon defenseless women. Great God! what an outrage. There is no reason why those men are not entitled to be treated as prisoners of war. If it is not done and these outrages upon defenseless females continue I shall retaliate upon Yankee soldiers to the full extent of my ability and let the consequences rest with the damnable barbarians who began it.

Very respectfully, your obedient servant,

Z. B. VANCE.

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, Va., December 29, 1863.

General J. H. WINDER, *Richmond, Va.:*

GENERAL: In obedience to command of Honorable Secretary of War I report the following-named U. S. officers, prisoners of war, who had more than $500 when captured: Lieut. D. L. Wright, Fifty-first Indiana Regiment, $680; Lieut. Ira Tyler, One hundred and eighteenth Illinois Regiment, $617.20.

Very respectfully, your obedient servant,

C. MORFIT,
Captain and Assistant Quartermaster.

[Indorsement.]

JANUARY 12, 1864.

Respectfully returned to the Honorable Secretary of War.

I respectfully recommend that no ultimate decision be made in this matter until certain inquiries already made be answered, or at least until sufficient time be given for such answer.

RO. OULD,
Agent of Exchange.

Brig. Gen. S. A. Meredith, U. S. agent of exchange, makes inquiry as to what has become of $15 in gold sent to William S. Scudder, Federal prisoner of war.

[Indorsement.]

DECEMBER 30, 1863.

Respectfully returned to Brig. Gen. S. A. Meredith, agent of exchange, requesting attention to inclosed copy of receipt from Captain Winder.*

The money is on deposit with the prison quartermaster, Captain Morfit, and that fact was indorsed on the letter when it was sent to the prisoner.

W. H. HATCH,
Captain and Assistant Adjutant-General.

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*Not found.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 30, 1863.

Brig. Gen. G. J. STANNARD,
Commanding U. S. Forces, City and Harbor, N. Y.:

GENERAL: I am informed by Colonel Burke, commanding Fort Lafayette, that there are some sick and wounded prisoners of war in his charge who require better treatment than can be given them at the fort, and I have therefore to request you will order them transferred to the hospital at Fort Wood.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS COMMANDER OF THE POST,
Camp Douglas, Chicago, Ill., December 30, 1863.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington City, D. C.:

COLONEL: In reply to your letter of December 19, 1863, inclosing extract of letter from Dr. Montrose A. Pallen, I have the honor to report:

That all the prisoners of war at this camp are quartered in barracks which are warmed by coal stoves. They receive a good supply of rations, and are generally sufficiently clothed. They are well cared for in hospital and receive every medical attention. On my taking command here I found abuses existing in the commissary supplies, such as short weight in beef, &c., which is now being corrected.

As the best evidence of the condition of the prisoners of war, I send inclosed:

First. Statements of the rebel sergeants in command of each squad of the prisoners of war, with a synopsis of the whole.

Second. Report of the surgeon in charge at this post.

Third. Report of Captain Rhines, my commissary of prisoners, who has immediate control of the prisoners. The originals of the above papers I have retained, and furnish you with copies, duly certified. These papers, I conceive, will fully comply with the requisition in your letter of December 19.

I have the honor to be, colonel, your obedient servant,

WM. W. ORME,
Brigadier-General, Commanding.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, January 4, 1864.

Respectfully referred to Maj. Gen. E. A. Hitchcock, commissioner for exchange.

The accompanying circular* will show what orders have been given in reference to providing clothing for prisoners and under what circumstances it is to be issued.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* See Vol. IV, this series, p. 152.

[Inclosures.]

Sergeant-major Second Kentucky, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Four hundred and ten.

2. How many of those are now sick in hospital, detached, and in confinement?

Fourteen in hospital, ten detached, ten confined.

3. How many are there for whom you draw rations?

For 376.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

A sufficiency of bunks.

5. How many blankets, quilts, and comforts have you in your squad?

Average two to a man, with a few exceptions amounting to twenty men.

6. About how much clothing has your squad received since it came to this camp?

A majority of the men have received one suit from home or friends; about twenty-five have received nothing.

7. Do you draw rations regularly or not?

I am informed by the commissary that we do.

8. What is the quality of the rations drawn?

I am informed by the commissary of squad until recently they were inferior, especially sugar and coffee.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

I am informed that the number is favorable.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

I am informed by the commissary of squad there is no defect in commissaries drawn from post commissary, but invariably a deficiency in number of pounds of beef drawn from contractor.

11. Do your men receive prompt medical attendance when reported sick?

Receive very prompt attention.

H. H. BARLOW,
Sergeant-Major Second Kentucky Cavalry.

—

CAMP DOUGLAS, *December 26, 1863.*

Captain RHINES, *Commissary of Prisoners, Camp Douglas:*

SIR: In Sergeant-Major Barlow's report, day before yesterday, he said the rations up to lately had been bad, which would leave you to think all was bad. This has not been the case. Flour, meal, potatoes, hominy, candles, soap, and bacon, with few exceptions, have been good, and no complaint made of them. The coffee we used to get is, I believe, preferred by the men. The rations we receive now, and for some time back, is as good as we should desire, with the exception of beef, which does not hold out in weight, and inferior parts of the beef

generally. I make this statement, as the report he gave you was not as full as I should have made it, I being busy at the time drawing rations.

Yours, with respect,

R. S. MASSKEN,
Commissary-Sergeant, Second Kentucky Cavalry.

—

Sergeant-major Third Kentucky Cavalry, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

There are 266 men in the Third Kentucky Cavalry.

2. How many of those are now sick in hospital, detached, and in confinement?

Nine sick in hospital, five on detached service.

3. How many are there for whom you draw rations?

We draw rations for 252 men.

4. Are there bunks enough for all men now in your quarters; if not, how many need bunks?

There are bunks for all my men.

5. How many blankets, quilts, and comforts have you in your squad?

We have 400 blankets in regiment, all sent by friends.

6. About how much clothing has your squad received since it came to this camp?

The regiment has received about 100 suits from Kentucky.

7. Do your men draw rations regularly or not?

We draw our rations regularly.

8. What is the quality of rations drawn?

Sugar indifferent, except two or three times; meal indifferent, flour moderate, beef indifferent, bacon good, coffee indifferent, potatoes ——, others good.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

They fall short sometimes as many as six.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is always a deficiency in the beef, varying from thirty to fifty pounds. I cannot speak positively about the others, but when we draw for four days we always lack rations for the last day.

11. Do your men receive prompt medical attention when reported sick?

The men most generally receive prompt attention.

P. BUTLER TURPIN,
Sergeant-Major Third Kentucky Cavalry.

—

Sergeant-major Fifth Kentucky, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Two hundred and fifteen.

2. How many of these are now sick in hospital, detached, and in confinement?

Seventeen in hospital, 10 detached, 6 confined; total, 33.

3. How many are there for whom you draw rations?

One hundred and eighty-three.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

All the men are supplied with bunks.

5. How many blankets, quilts, and comforts have you in your squad?

We have 238 blankets and 29 comforts.

6. About how much clothing has your squad received since it came to this camp?

About 134 suits from friends at home.

7. Do you draw rations regularly or not?

Yes.

8. What is the quality of rations drawn?

Rations are good, with the exception of beef.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Very well.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

All hold out well, with the exception of beef.

11. Do your men receive prompt medical attendance when reported sick?

Yes.

H. W. SMITH,
Acting Sergeant-Major Fifth Kentucky.

—

Sergeant-major Sixth Kentucky, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

I have 304 men in my squad.

2. How many of those are now sick in hospital, detached, and in confinement?

Thirteen in hospital, seven detached, two confined.

3. How many are there for whom you draw rations?

I report and have 282 men for rations.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

Bunks enough for all the men.

5. How many blankets, quilts, and comforts have you in your squad?

The squad has 418 quilts, comforts, and blankets.

6. About how much clothing has your squad received since it came to this camp?

I have received at the express about 200 suits of clothing for my squad, and 22 blankets from general distribution.

7. Do you draw rations regularly or not?

Rations issued regularly.

8. What is the quality of rations drawn?

The beef received is the inferior portion of beef; bacon good; others are second and third rate.

9. How do the number of rations ordered compare with the number reported by you "for duty" and "sick in quarters?"

We draw rations for all men I report for duty.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

The spring-balance reduces the weight of the rations received at the commissary about one-quarter; the weighed bacon by these is from one-half to three-quarters pound, the beef three-quarters.

11. Do your men receive prompt medical attendance when reported sick?

The sick receive very prompt attention.

H. K. HAY,
Sergeant-Major Sixth Kentucky.

—

Sergeant-major Seventh Kentucky, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Two hundred and sixty-eight.

2. How many of these are now sick in hospital, detached, and in confinement?

Seven in hospital, seven detached, one confined.

3. How many are there for whom you draw rations?

Two hundred and forty-five.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

All have bunks.

5. How many blankets, quilts, and comforts have you in your squad?

Two hundred and fifty.

6. About how much clothing has your squad received since it came to this camp?

I have received 200 suits of clothes.

7. Do you draw rations regularly or not?

I draw quite punctually.

8. What is the quality of rations drawn?

Beef quite inferior, flour good, meal ordinary, coffee, lately, good; sugar good, bacon, good usually, bad.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Nine rations deficient.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is no defect except in beef.

11. Do your men receive prompt medical attendance when reported sick?

They do.

S. S. SNOW,
Sergeant-Major Seventh Kentucky Cavalry.

—

Sergeant-major Eighth Kentucky, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Three hundred and eighty-four.

2. How many of those are now sick in hospital, detached, and in confinement?

Twenty-seven

3. How many are there for whom you draw rations?

Three hundred and fifty-seven.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

The bunks are sufficient since the recent fitting up.

5. How many blankets, quilts, and comforts have you in your squad?

About 625.

6. About how much clothing has your squad received since it came to this camp?

None has been issued. I suppose about 200 suits have been sent to individuals by friends, besides underclothing. A good deal of it was taken according to recent orders.

7. Do you draw rations regularly or not?

We draw beef three times a week, other rations twice.

8. What is the quality of rations drawn?

Flour good, meal inferior, bacon and pork good, beef inferior, consisting of necks and shanks; coffee and sugar inferior, potatoes and hominy good.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

There is a slight falling off in the number of rations. For instance, this morning 357 men were reported in the quarters, while rations were issued for only 350.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is; none of the rations hold out. The orders call for one pound beef, three-quarters of bacon or pork; the issue never exceeds three-quarters of first or half of second; the sugar is deficient, and, in fact, all other rations.

11. Do your men receive prompt medical attendance when sick?

They do.

Respectfully,

J. D. HUNT,
Sergeant-Major Eighth Kentucky Cavalry.

Sergeant-major Tenth Kentucky, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Two hundred and twenty.

2. How many of these are now sick in hospital, detached, and in confinement?

Five sick in hospital, nine in quarters.

3. How many men are there for whom you draw rations?

Two hundred and fifteen.

4. Are there bunks for all now in your quarters; if not, how many need bunks?

Yes.

5. How many blankets, quilts, and comforts have you in your squad?

One hundred and eighty-eight blankets.

6. About how much clothing has your squad received since it came to this camp?

7. Do you draw rations regularly or not?

I do.

8. What is the quality of rations drawn?

In some articles it is good. Sugar and coffee have been defective, but are not now; meat is sound; the beef issued is from the fore-quarters and flanks; we receive none of hind-quarters of beef.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

It generally tallies.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is an average deficiency of twenty-five pounds per day in beef and twenty pounds in pork or bacon. It is proper to say that there may be honest difference in the scales of the commissary and my squad. By our scales the bread holds out.

11. Do your men receive prompt medical attendance when reported sick?

They do.

N. PASTERS,
Sergeant-Major Tenth Kentucky Cavalry.

Sergeant-major Fourteenth Kentucky Cavalry, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Whole number, 159.

2. How many of those are now sick in hospital, detached, and in confinement?

Seventeen men.

3. How many of them for whom you draw rations?

One hundred and forty-two men.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are not enough bunks. No. 8 barracks have forty-four bunks and ninety-five men in barracks; the balance of squad is scattered.

5. How many blankets, quilts, and comforts have you in your squad?

Whole squad have 207. Need many more.

6. About how much clothing has your squad received since it came to this camp?

About one-third have received clothing. We need more to make the men comfortable this winter.

7. Do you draw rations regularly or not?

We do; our rations are given us in two drawings, three and four days each.

8. What is the quality of the rations drawn?

The quality of the rations is as follows: Flour, inferior; beef, flanks, shanks, and necks; coffee, spoiled; meal and bacon, good; others, fair.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

The requisition would be amply sufficient, but we think we do not get full weight.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

None that I know of for a certainty.

11. Do your men receive prompt medical attendance when reported sick?

Invariably very prompt.

Respectfully,

E. D. BURKE,
Sergeant-Major Fourteenth Kentucky Cavalry.

—

Sergeant-major Fifteenth Tennessee Cavalry, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

One hundred and sixty-five.

2. How many of those are now sick in hospital, detached, and in confinement?

Four in hospital; detached, 19; total, 23.

3. How many are there for whom you draw rations?

One hundred and forty-two.

4. Are there bunks for all men in your quarters; if not, how many need bunks?

The number of bunks is sufficient.

5. How many blankets, quilts, and comforts have you in your squad?

Blankets, quilts, and comforts, 185.

6. About how much clothing has your squad received since it came to this camp?

As near as I can ascertain the number of suits is fifty-five; the cottonade jackets, substitute for coats, are very uncomfortable for the season; many men are suffering for clothes.

7. Do you draw rations regularly or not?

We draw rations regularly, but very irregular.

8. What is the quality of the rations drawn?

Very good, excepting beef and coffee, which are bad.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

The comparison is good, excepting beef, which is short in weight.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

None, so far as my knowledge extends.

11. Do your men receive prompt medical attendance when reported sick?

My men would have been benefited by a more prompt admission into the hospital in several instances; otherwise attention has been good.

W. H. KING,
Sergeant-Major Fifteenth Tennessee Cavalry.

—

Sergeant-major First Confederate Cavalry, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Two hundred and ninety-two.

2. How many of those are now sick in hospital, detached, and in confinement?

Twelve sick in hospital and two detached.

3. How many are there for whom you draw rations?

Two hundred and seventy-six.

4. Are there bunks for all men now in your squad; if not, how many need bunks?

There are.

5. How many blankets, quilts, and comforts have you in your squad?

One hundred and seventy-nine.

6. About how much clothing has your squad received since it came to this camp?

About fifty-five suits.

7. Do you draw rations regularly or not?

We do.

8. What is the quality of the rations drawn?

Tolerably good, except coffee and sugar; at times bad.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

They fall a little short, particularly beef, which falls very short, say fifteen pounds on the hundred.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

Not except as above stated in answer to interrogatory 9.

11. Do your men receive prompt medical attendance when reported sick?

They do.

L. C. COULSON,
Sergeant-Major First Confederate Cavalry.

Sergeant-major Fifty-fifth Georgia, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Five hundred and forty-one.

2. How many of those are now sick in hospital, detached, and in confinement?

Thirty-four.

3. How many are there for whom you draw rations?

Five hundred and seven.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

Supplied with bunks.

5. How many blankets, quilts, and comforts have you in your squad?

Seven hundred and eighteen.

6. About how much clothing has your squad received since it came to this camp?

About 195 suits.

7. Do you draw rations regularly or not?

Rations drawn regularly generally.

8. What is the quality of rations drawn?

Very good.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Number of rations drawn compare with the number of men reported for duty and sick in quarters.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

No knowledge as to the defect.

11. Do your men receive prompt medical attention when reported sick?

Prompt medical attention given.

J. W. FLORENCE,
Sergeant-Major Fifty-fifth Georgia Regiment.

—

Sergeant-major Sixty-fourth Virginia, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Three hundred and sixty-three.

2. How many of those are now sick in hospital, detached, and in confinement?

Thirteen in hospital, one man detached in hospital.

3. How many are there for whom you draw rations?

Three hundred and forty-nine.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are bunks for all my men.

5. How many blankets, quilts, and comforts have you in your squad?

Two hundred and nine.

6. About how much clothing has your squad received since it came to this camp?

About seventy-one suits.

7. Do you draw rations regularly or not?

We do.

8. What is the quality of the rations drawn?

The meal and beef at times are very inferior, other rations good; at times sugar is not as good as we wish.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

They compare well.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is no defect except in beef; the beef does not weigh out, with other rations, according to our scales.

11. Do your men receive prompt medical attendance when reported sick?

They do, by Doctors Holloway and Cook.

WM. BOLIN,
Sergeant-Major Sixty-fourth Virginia.

—

Sergeant-major Sixty-second North Carolina, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Four hundred and forty-three.

2. How many of those are now sick in hospital, detached, and in confinement?

Twenty-two.

3. How many are there for whom you draw rations?

Four hundred and twelve men.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

Men all have bunks.

5. How many blankets, quilts, and comforts have you in your squad?

Five hundred and twenty-four.

6. About how much clothing has your squad received since it came to this camp?

Shoes, 134 pair; pants, 72 pair; jackets, 7; drawers, 50 pair; shirts, 93; stockings, 98.

7. Do you draw rations regularly or not?

We do draw regularly.

8. What is the quality of the rations drawn?

All very good excepting the beef.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

The number of rations ordered for the past ten days lack nine of being as many as there are men for duty and sick in quarters.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is none except in the rations of beef.

11. Do your men receive prompt medical attendance when reported sick?

They receive prompt attention.

B. A. MOODY,
Acting Sergeant-Major Sixty-second North Carolina.

—

Sergeant-major Sixty-fourth North Carolina, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Two hundred and eighty-eight.

2. How many of those are now sick in hospital, detached, and in confinement.

Twelve in hospital and forty-three detached to work in camp.

3. How many are there for whom you draw rations?

Two hundred and thirty-three.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

Bunks enough, but need some hay in our bunks.

5. How many blankets, quilts, and comforts have you in your squad?

Two hundred and eighty-eight.

6. About how much clothing has your squad received since it came to this camp?

Twenty-two shirts, 20 plain slips, 35 pair of socks, 5 pair of pants, 42 pair shoes, and 3 coats.

7. Do you draw rations regularly or not?

We do.

8. What is the quality of the rations drawn?

Yellow corn-meal fair article, flour second quality, beef generally indifferent, pork, coffee, and sugar good.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Generally falls very short.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is [not] except in meal and flour.

11. Do your men receive prompt medical attendance when reported sick?

They do.

CHAS. IRWIN,
Sergeant-Major Sixty-fourth Regiment North Carolina Volunteers.

Sergeant-major Arkansas Post prisons, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

One sergeant; musicians and privates, 30; detached, 12; in hospital, 2; aggregate, 45.

2. How many of those are now sick in hospital, detached, and in confinement?

Two in hospital, detached twelve.

3. How many are there for whom you draw rations?

Thirty-one in barracks.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are bunks for all the squad.

5. How many blankets, quilts, and comforts have you in your squad?

Blankets, 45; quilts, 8; total, 53.

6. About how much clothing has your squad received since it came to this camp?

This squad came here January 27, 1863; so I am unable to ascertain.

7. Do you draw rations regularly or not?

We do.

8. What is the quality of the ration drawn?

The rations are good.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

The rations compare very well.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is not, in my opinion.

11. Do your men receive prompt medical attendance when reported sick?

They do.

HARRISON CHAMBERS.

—

Sergeant-major Barnes' battery, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Fifty men.

2. How many of them are now sick in hospital, detached, and in confinement?

One sick in hospital, five detached to work.

3. How many are there for whom you draw rations?

Should draw for forty-four on the 25th instant.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are bunks for all the men.

5. How many blankets, quilts, and comforts have you in your squad?

About sixty that are good.

6. About how much clothing has your squad received since it came to this camp?

None from the Government except that paid to men who have been employed at work. There has been received about 13 pair shoes, 3 shirts, 7 blankets, 10 pair drawers, 1 jacket, 8 pair of socks.

7. Do you draw rations regularly or not?

The rations are drawn regularly.

8. What is the quality of rations drawn?

Medium, with the exception of beef.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Compare well.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is a defect, the beef frequently falling short from a quarter to a third in weight, and the bacon or pork from eighth to a sixth in weight; the beef is generally neck and shank parts.

11. Do your men receive prompt medical attendance when reported sick?

They do.

W. W. COMPTON,
Sergeant-Major Barnes' Battery.

—

Sergeant-major Kain's battery, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

I have eighty-four.

2. How many of those are now sick in hospital, detached, and in confinement?

I have four sick in hospital and two detached.

3. How many are there for whom you draw rations?

Seventy-eight.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are bunks for all men.

5. How many blankets, quilts, and comforts have you in your squad?

There are about one hundred that are good.

6. About how much clothing has your squad received since it came to this camp?

I have received none from the Government, but have received a few by private contribution.

7. Do you draw rations regularly or not?

I draw regularly.

8. What is the quality of the rations drawn?

Medium, with the exception of beef and meal, which are inferior.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Compare well.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

Having no means of weighing, I do not know. The meat rations frequently run out before the time expires.

11. Do your men receive prompt medical attendance when reported sick?

They do.

CHAS. S. KING,
Sergeant-Major Kain's Battery.

—

Sergeant-major squad 13, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Total aggregate, seventy-one men.

2. How many of those men are now sick in hospital, detached, and in confinement?

Seven in hospital, 17 detached; total, 24.

3. How many are there for whom you draw rations?

Forty-seven men.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

Yes.

5. How many blankets, quilts, and comforts have you in your squad?

About seventy-five blankets and quilts.

6. About how much clothing has your squad received since it came to this camp?

I have drawn for my squad 10 blankets, 4 shirts, 12 pair of socks, 7 yarn jackets.

7. Do you draw rations regularly or not?

We draw regularly.

8. What is the quality of the rations drawn?

Good, excepting meal and sugar, which are sometimes very inferior.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

The rations ordered compare with the men reported.

10. Is there, to your knowledge, defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is defect in the amount, especially beef.

11. Do your men receive prompt medical attendance when reported sick?

They do.

J. J. HORAN,
Sergeant in Charge of Squad, Saint Louis.

Sergeant-major squad 17, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

One hundred and twenty-one.

2. How many of them are now sick in hospital, detached, and in confinement?

Three sick in hospital.

3. How many are there for whom you draw rations?

One hundred and seventeen.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are enough bunks for my squad.

5. How many blankets, quilts, and comforts have you in your squad?

One hundred and thirty-two.

6. About how much clothing has your squad received since it came to this camp?

Sixteen blankets, 8 pair shoes, 7 pair socks, 10 pair drawers, 10 pair pants, 10 shirts, 10 military jackets.

7. Do you draw rations regularly or not?

We have received our rations regularly.

8. What is the quality of rations drawn?

All very good, except potatoes, beef, and sugar.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

They are equal.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

There is in the beef.

11. Do your men receive prompt medical attendance when reported sick?

They do.

T. B. REDDEN,
Sergeant-Major Squad No. 17.

—

Sergeant-major squad 18, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Six hundred and forty.

2. How many of those are now sick in hospital, detached, and in confinement?

Seventeen in hospital, detached six, eighty-four sick in quarters.

3. How many are there for whom you draw rations?

Six hundred and seventeen.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

All have bunks, but some are without hay; the men have no regular quarters, which makes it difficult to get them to attend roll-call.

5. How many blankets, quilts, and comforts have you in your squad?

As near as I can ascertain, 530 blankets and comforts, many of these are very much worn; 250 blankets would be a low estimate of the number actually needed.

6. About how much clothing has your squad received since it came to this camp?

About 100 suits, 150 pair of shoes; all or nearly all the contributions of friends.

7. Do you draw rations regularly or not?

I do.

8. What is the quality of rations drawn?

Generally good. Sometimes the meal is inferior; beef very heavy for the size of pile.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

There is a difference sometimes of ten to fifteen men owing, I suppose, to men returning from hospital.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

Not having any means to test the accuracy of the weight a positive answer is impossible, but I think a liberal discount for wastage is generally made, but presume all are gentlemen connected with the department.

11. Do your men receive prompt medical attendance when reported sick?

Prompt attendance is generally given by Doctors Holloway and Cook, and all prescriptions promptly filled. They state, at present, a lack of a few medicines. Post surgeon has given general satisfaction.

FRANK P. GILLESPIE,
Sergeant-Major Squad 18.

—

Sergeant-major squad 21, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Ninety-one.

2. How many of those are now sick in hospital, detached, and in confinement?

Five in hospital, detached to work three; the latter three are marked transferred, but are still in barracks.

3. How many are there for whom you draw rations?

Eighty-three.

4. Are there bunks enough for all men now in your quarters; if not, how many need bunks?

There are forty-one bunks for ninety-one men, which compels, in some cases, three men to occupy one bunk. Some of the bunks have neither straw nor hay.

5. How many blankets, quilts, and comforts have you in your squad?

Ninety blankets, mostly light and ragged; five quilts or comforts.

6. About how much clothing has your squad received since it came to this camp?

About thirty suits and about twenty pair of shoes, many of them furnished through the agency of friends.

7. Do you draw rations regularly or not?

I draw regularly with few exceptions.

8. What is the quality of the rations drawn?

Generally good; meal inferior for bread and beef heavy for size of piece.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Generally exact; when there is a deviation it is owing to mistake or to men changing quarters.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

Having no positive means of determining, I could not say with certainty; there seems to be plenty allowance for waste. I rely on the honor of the gentleman in charge to do justice to prisoners.

11. Do your men receive prompt medical attendance when reported sick?

They do; Dr. Pettus seems untiring; prescriptions are promptly filled.

O. W. MULLER,
Sergeant-Major Squad 21.

—

Sergeant-major squad 23, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

One hundred and sixty-three.

2. How many of those are now sick in hospital, detached, and in confinement?

Eleven.

3. How many are there for whom you draw rations?

One hundred and fifty-two.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are bunks enough.

5. How many blankets, quilts, and comforts have you in your squad?

As near as I can come to it there are 160 blankets belonging to my squad—several have none.

6. About how much clothing has your squad received since it came to this camp?

Thirty blankets, 32 shirts, 24 drawers, 32 pair shoes, 32 pair socks, 36 knit jackets.

7. Do you draw rations regularly or not?

Yes, as regularly as necessary.

8. What is the quality of rations drawn?

Bacon or pork, corn-meal coarse but good, flour common, hominy good, coffee inferior, sugar common, balance good save the beef, which is bad.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

They frequently lack from 20 to 25 per cent. of holding out, by my hand balances, but I do not know that they are correct.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

None to my certain knowledge, but I have good reason to believe that the weights do not hold out with the amounts on the order.

11. Do your men receive prompt medical attendance when reported sick?

Yes.

R. A. THORNTON,
Sergeant-Major Squad No. 23.

—

Sergeant-major squad No. 24, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

I have fourteen men in my squad.

2. How many of those are now sick in hospital, detached, and in confinement?

None in hospital, five detached as clerks.

3. How many are there for whom you draw rations?

Have fourteen who draw rations.

4. Are there bunks for all men now in your quarters; if not, how many need bunks?

There are six who have none, but they are being prepared.

5. How many blankets, quilts, and comforts have you in your squad?

All supplied.

6. About how much clothing has your squad received since it came to this camp?

All supplied.

7. Do you draw rations regularly or not?

Have drawn regularly.

8. What is the quality of the rations drawn?

Sugar indifferent; balance good.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

Number of rations equal to number of men.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

None that I am aware of.

11. Do your men receive prompt medical attendance when reported sick?

Not having had any sick, cannot tell.

JOSEPH H. CONN,
Sergeant-Major Squad 24.

—

Sergeant-major squad 25, please answer in writing on the intervening space the following questions:

1. How many men have you in your squad?

Two hundred and twenty-five.

2. How many of those are now sick in hospital, detached, and in confinement?

None sick, detached; none in confinement.

3. How many are there for whom you draw rations?

Two hundred and twenty-four.

4. Are there bunks for all men in your quarters; if not, how many need bunks?

There are bunks for all that stay in the workmen's quarters.

5. How many blankets, quilts, and comforts have you in your squad?

6. About how much clothing has your squad received since it came to this camp?

7. Do you draw rations regularly or not?

I draw three times in ten days.

8. What is the quality of rations drawn?

They are good, what we draw now.

9. How do the number of rations ordered compare with the number of men reported by you "for duty" and "sick in quarters?"

They compare very near.

10. Is there, to your knowledge, any defect in the amount of rations issued by the post commissary, taking the order as a basis?

No, there is not; as I can ascertain.

11. Do your men receive prompt medical attendance when reported sick?

They do.

Synopsis of foregoing statements.

Name or number of squad.	Number of men.	Number of rations drawn.	Sick in hospital.	Detached.	Number of bunks.
2d Kentucky Cavalry	410	376	14	10	Enough.
3d Kentucky Cavalry	266	252	9	5	Do.
5th Kentucky Cavalry	215	183	23	10	Do.
6th Kentucky Cavalry	304	282	15	7	Do.
7th Kentucky Cavalry	268	245	8	7	Do.
8th Kentucky Cavalry	384	357	27	.....	Do.
10th Kentucky Cavalry	220	215	5	.....	Do.
14th Kentucky Cavalry	159	142	17	.....	Not enough.
15th Tennessee	165	142	4	19	Enough.
1st Confederate Cavalry	292	276	12	2	Do.
55th Georgia	541	507	34	.....	Do.
64th Virginia	363	349	13	1	Do.
62d North Carolina	443	412	22	.....	Do.
64th North Carolina	288	233	12	43	Do.
Arkansas Post	45	31	2	12	Do.
Barnes' battery	50	44	1	5	Do.
Kain's battery	84	78	4	2	Do.
Squad 13	71	47	7	17	Do.
Squad 17	121	117	3	.....	Do.
Squad 18	640	617	17	6	Do.
Squad 21	91	83	5	3	41 bunks.
Squad 23	163	152	11	.....	Enough.
Squad 24	14	14	.....	5	Do.
Squad 25	225	224	.....	.....	Do.
Total	5,822	5,378	265	154	

Synopsis of foregoing statements—Continued.

Name or number of squad.	Number of quilts or blankets.	Clothing received.	Medical aid.	Name of rebel sergeant making statement.
2d Kentucky Cavalry	*a* 2	1 suit apiece except 25.	Prompt.	H. H. Barlow.
3d Kentucky Cavalry	*b* 400	100 suits	....do	P. Butler Turpin.
5th Kentucky Cavalry	267	134 suits	....do	H. W. Smith.
6th Kentucky Cavalry	418	200 suits	....do	H. K. Hay.
7th Kentucky Cavalry	250	200 suits	....do	S. S. Snow.
8th Kentucky Cavalry	625	200 suits	....do	J. D. Hunt.
10th Kentucky Cavalry	188	.....	....do	N. Pasters.
14th Kentucky Cavalry	207	One-third received clothing.	....do	E. D. Burke.
15th Tennessee	185	55 suits	....do	W. H. King.
1st Confederate Cavalry	179	55 suits	....do	L. C. Coulson
55th Georgia	718	195 suits	....do	J. W. Florence.
64th Virginia	209	71 suits	....do	Wm. Bolin.
62d North Carolina	524	.....	....do	B. A. Moody.
64th North Carolina	288	.....	....do	Chas. Irwin.
Arkansas Post	53	.....	....do	H. Chambers.
Barnes' battery	60	.....	....do	W. W. Compton.
Kain's battery	100	.....	....do	Chas. S. King.
Squad 13	75	.....	....do	J. J. Horan.
Squad 17	132	10 suits	....do	T. B. Redden.
Squad 18	530	100 suits	....do	F. P. Gillespie.
Squad 21	95	30 suits	....do	O. W. Muller.
Squad 23	160	30 suits	....do	R. A. Thornton.
Squad 24	Enough	Enough	....do	J. H. Conn.
Squad 25	.....	.....	....do	
Total	*c* 7,000			

a Average to a man. *b* Blankets. *c* About.

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POST HOSPITAL, *Camp Douglas, Ill., December 27, 1863.*

Brigadier-General ORME, *Commanding Post:*

SIR: In obedience to Special Orders, No. 60, of the 26th instant, I have the honor to submit the following report concerning sick prisoners of war in hospital at Camp Douglas:

First. There are now sick in hospital 217, distributed in six wards, with an average atmospheric capacity of 975 cubic feet to the patient. Each has a cot bed, sack filled with hay, sheets, pillows of hair or hay, pillow slips or cases, two blankets to each bed and more when the surgeons deem it necessary for the health or comfort of the sick, and to those who are confined to their beds, drawers, shirts, and socks from the hospital clothing, all of which are frequently changed.

Second. The rations issued to the sick prisoners are the same in quantity and quality as issued to U. S. troops sick in hospital, which consist of bacon, beans, beef (fresh), soft bread, potatoes, rice, tea, coffee, sugar, &c. The purchases from hospital savings are butter, eggs, cabbages, beets, parsnips, turnips, onions, chickens, oysters, fresh fish, salt fish (and lemons when prescribed or recommended by the attending surgeon), dried apples, berries, currants, cherries, all in such quantities as are needed and in accordance with the "diet table" recommended by the Surgeon-General.

Third. There are four contract surgeons, on duty with prisoners, and five acting surgeons, who volunteered their services, and were detailed from among the prisoners, being graduates of medical colleges, and so far have shown themselves to be men of fine medical talent anxious to do their duty and conform to the rules of the camp and hospital. There is not hospital capacity enough at present, but will soon be remedied, for there is now being erected a fine, commodious building for use of sick

prisoners, capable of holding 200 patients, with ventilation, furnaces, hydrants, bath-room, &c.

Fourth. Hospital and medical supplies are furnished by Surg. J. B. Porter, U. S. Army, medical purveyor at Chicago, promptly in accordance with "supply table" for the medical department of the U. S. Army for 1863, and of the same quality as for U. S. troops at this camp.

Fifth. The kitchens are well supplied with stoves and appliances for cooking, and table furniture, chairs, stools, and benches. The cooks are detailed from the prisoners, and their kitchens and cooking are inspected daily by the surgeon in charge and three times a week by the post surgeon.

Sixth. The buildings now occupied as hospital [by] both Federals and prisoners were originally built for other purposes than which they are now used, and hence many inconveniences are experienced daily in treating the sick properly.

Very respectfully, your obedient servant,

ARVIN F. WHELAN,
First Michigan Sharpshooters, Post Surgeon.

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HDQRS. COMMANDER OF POST CAMP DOUGLAS,
Chicago, Ill., December 26, 1863.

Brigadier-General ORME, *Commanding Post:*

SIR: In obedience to your verbal order requiring me to report in writing the amount of clothing issued by myself to prisoners of war, together with such other facts as might be necessary to determine the present and past treatment of those confined here, I have the honor to submit the following:

I commenced to act as commissary of prisoners on the 23d of September, 1863. At that time there were 3,127 prisoners present here; the greatest number here at any time since is 6,105.

1. On the arrival of the prisoners here some were found to be comfortably and others very poorly clad. Under verbal orders received by me from Colonel De Land, commanding post, I commenced at once to clothe the needy. There was a large amount of work to be done in the camp and not enough Federal soldiers to do it. The needy prisoners were detailed to work and the clothing given to them as a recompense. Those that were not detailed to work were given clothing from that furnished by Government for that purpose. Under this arrangement since the 23d of September, 1863, I have issued to the needy:

Jackets	953
Trousers	796
Drawers	1,955
Shirts	2,033
Stockings	2,106
Blankets	1,280
Bootees	1,114

A part of this clothing is receipted for on clothing receipt rolls by the prisoners. Those rolls show the amount issued from September 23, 1863, down to November 2, 1863; from November 2, 1863, to this date, I have kept a clothing book, in which may be found the names of the persons to whom clothing has been issued, and the articles. Besides the clothing so furnished by the Government the immediate relations of the prisoners have been permitted to furnish them clothing when they were really needy. If, on examination, the party to whom the clothing was directed was found not to be needy then the clothing was given to some one who was in want of it. I am unable to give the

amount thus furnished, but I think it is fully equal to that furnished by Government. A considerable amount of clothing must still be distributed among those prisoners from the more southern States.

2. The bedding consists of prairie hay, of which I have ordered each month but this from twelve to fourteen pounds for two men. The bunks are intended to accommodate two men each, and the amount furnished I regard as sufficient. In the early part of this month I received orders from Colonel De Land, "not to order any more straw until a new contractor could be procured." The prisoners have received no new straw this month; more ought to be furnished at once.

3. The fuel furnished to prisoners consists of both wood and coal; of wood, orders are issued each month for 1,412 cart-loads, or 350 cords, as near as I can estimate it. Of coal 294 cart-loads, or 196 tons. If the proper means of heating the barracks and of cooking the food could be procured and used an immense saving would be effected with the stoves now in use. I do not deem the amount furnished any too much, and in extreme cold weather it will be necessary to increase it.

4. The requisition for rations is drawn every tenth day. The utmost care is taken on my part to furnish an order for rations for every man, but the morning reports constitute my guide, and I do not allow the requisition to exceed the number reported "for duty" and "sick in quarters" inclosed herewith. I transmit certain questions to sergeants of squads, and their answers, to which I would respectfully beg leave to refer as best calculated to show the opinions and feelings of the prisoners in regard to the treatment they have received and are now receiving.

In conclusion I would respectfully call your attention to the answers of the sergeants in reference to food, and would say that I most fully believe the prisoners have been shamefully treated by the contractor for fresh beef.

I am, sir, truly your obedient servant,

LEVANT C. RHINES,

Capt. Company A, First M. S. S., and Commissary of Prisoners.

HEADQUARTERS DEPARTMENT OF WESTERN TENNESSEE,
In the field, December 30, 1863.

Maj. Gen. S. A. HURLBUT,
Commanding U. S. Forces, Memphis:

GENERAL: I have in my hands forty-five or fifty Federal prisoners, among them two captains and three lieutenants.

I suppose that I have lost some men also, and, owing to the fatigue and exposure necessary to send your men to Richmond, I write to propose exchanges. The desire, also, to get my own men prompts me to make the proposition to exchange with you for them or for any Confederate soldiers you may have in your hands.

I have asked permission to make the exchanges, provided you consent to do so. I should be pleased to make such an arrangement, with the understanding that I exchange, first, for my own troops, afterward for any other belonging regularly to the C. S. Army. Should you consent to do so, you will please forward by the flag a list of men now in your hands, and I will exchange for them as far as I have men, and at any point you may designate on the railroad between La Grange and Memphis.

I am, general, very respectfully, your obedient servant,

N. B. FORREST,
Major-General, Commanding.

MYSTIC, CONN., *December 31, 1863.*

His Excellency the President of the United States, ABRAHAM LINCOLN:

MY DEAR SIR: After years of travel, twice around the world, I am in my old ancestral home here to obtain the rest which I require, but may it please the President, the situation of our sons, prisoners of war at Richmond, makes it a duty to offer my services, without pay or any pecuniary compensation, and if necessary my life, to accomplish their deliverance.

I believe that Mr. Davis will be pleased to permit me to visit Richmond and make every arrangement necessary for the exchange of prisoners.

Virginia well knows me and knows that till the attack on Fort Sumter I was a true friend of the South, educated by Madison, Monroe, and Jackson.

President Monroe sent me to Europe in 1818, and in his retirement from public life he became poor, and my funds were placed at his disposal, which, as he said, "protected him from want at his table in his old age."

The monument at Fredericksburg, Va., over the remains of "Mary, the mother of Washington," the corner stone of which was laid by President Jackson, was all my own, the principal and interest of which is $30,000.

President Taylor was, I think, Mr. Davis' father-in-law, and the accompanying general letter of introduction, with other historical facts with which my name is connected with Virginia, will secure me, I believe, a kind reception at Richmond, and successful accomplishment of the holy mission.*

Believing that I can be the agent in doing this satisfactorily to the President of the United States and the call of my country, I hold myself subject to the President's commands, and remain

Your Excellency's most obedient and very humble servant,

SILAS E. BURROWS.

[Indorsement.]

JANUARY 9, 1864.

Respectfully referred by the President to the Honorable Secretary of War.†

UNOFFICIAL.] (Received December 31, 1863.)

Hon. EDWIN M. STANTON:

DEAR SIR: The Richmond Enquirer of the 28th instant, I see, contains some slang abuse of your report, or yourself on account of it. If there was any ground at all for the Richmond Enquirer's remarks they should have been leveled at me; but there was no ground for any such remarks.

Mr. Ould made his declaration of exchange, to which General Meredith (and myself) took exception, in September. When called upon for the "valid paroles," as he called them, he furnished the tabular statement of guerrilla captures. This statement, all that Mr. Ould furnished, then became the debatable ground, and was the immediate subject of controversy. This controversy was virtually closed before you went to Ohio in November. After that, after I had prepared my

*Inclosures omitted. †See Hitchcock to Stanton, January 13, 1864, p. 838.

official report, and after I had written the letter for the Times newspaper, and after the data for official action had passed, prior to the preparation of the message of the President, Mr. Ould artfully wrote a letter to re-open the controversy, not with General Meredith, but with me, and in this letter he professes himself ready to produce evidence of the validity of the paroles claimed in the tabular statement, and then, not only at the eleventh hour, but after it, he declared his readiness to exclude from the tabular statement all citizens!

Here is a confession that the tabular statement did contain citizens; just what General Meredith said of it, and what I say of it; and if the statement was not to be considered on its face, why was it presented at all?

The simple fact is that Mr. Ould intended to force us to the acceptance of the tabular statement; but, finding himself thwarted, comes forward with a letter with no less than seven proposed questions for a new discussion, which he proposed to carry on with myself.

The 28th of November I wrote the letter to General M., to be communicated to Mr. Ould, in which I stated that it would be time enough to discuss any points Mr. Ould might present at the time of presentation; and this is the letter to which Mr. Ould refers as conclusive evidence that you knew that the statements in your report were not true, when, in fact, Mr. Ould's invitation to enter into controversy with myself made no essential point in his favor.

With great respect,

E. A. HITCHCOCK.

[December 31, 1863.—For Butler to Stanton, in regard to operations of General Wild against guerrillas in northeastern counties of North Carolina, &c., see Series I, Vol. XXIX, Part II, p. 595.]

WAR DEPARTMENT, *Washington, December 31, 1863.*

Maj. Gen. B. F. BUTLER,
Commanding Department of Virginia and North Carolina, Eighteenth Army Corps, Fort Monroe, Va.:

SIR: The Secretary of War directs me to acknowledge the receipt of your communication of the 27th instant, and to express his gratification at the satisfactory condition of affairs at Point Lookout.

The measures which you have adopted and propose to adopt, as stated in that communication, are approved by the Secretary.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

JUDGE-ADVOCATE-GENERAL'S OFFICE,
December 31, 1863.

Maj. W. M. DUNN, *Judge-Advocate:*

MAJOR: On the receipt of your letter of the 24th instant I conferred with the Secretary of War in regard to the grave and important question it presents. From him I learned that this question had already been decided by the President himself, who holds that the amnesty proffered by his proclamation does not extend to prisoners of war, nor to persons suffering punishment under the sentence of military courts, or on trial or under charges for military offenses. The case of Burch is still in the hands of the President on a report from this office. I

see no ground whatever on which he can claim immunity for the crimes of which he has been convicted, under the terms of the proclamation. "A general jail clearing," as you express it, could not certainly have been contemplated by the President in issuing his proclamation, and such a result would, I think, be in every way to be deplored.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

WAR DEPARTMENT, *Washington, December 31, 1863.*

His Excellency O. P. MORTON,
Governor of Indiana, Indianapolis, Ind.:

SIR: I am instructed by the Secretary of War to say that it has been found upon investigation that a party of rebel troops captured in Kentucky after a raid in Indiana and turned over to the civil authorities of the latter State as kidnappers and marauders, belong to the rebel army, were duly mustered in that service, and commanded by a rebel officer, and consequently are not amenable to trial by civil courts, but are subject to the same treatment as other prisoners of war. They are now in the custody of the military authorities at Camp Morton, and the Secretary of War directs that copies of the papers in the case be furnished for your information, with the request that Your Excellency will take such action as may be necessary to transfer them formally from the civil to the military authority.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, December 31, 1863.*

His Excellency A. I. BOREMAN,
Governor of West Virginia, Wheeling, W. Va.:

SIR: The Secretary of War directs me to acknowledge the receipt of your letter of the 18th instant, proposing an exchange of Colonel Powell, of the Second West Virginia Cavalry, for Col. R. H. Lee, of the rebel service, and in reply to communicate to Your Excellency the following report of Major-General Hitchcock, commissioner of exchange, in relation to the subject:

> The rebel authorities seem particularly anxious to retain Colonel Powell, the reason being well known, to wit, his value to the Union cause. They will not exchange him for Colonel Lee, the latter being disabled. General Butler is now making an effort to effect exchanges, and, if he succeeds, Colonel Powell and his high claims will not be overlooked.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 31, 1863.

Col. G. W. KINCAID,
Commanding Military Prison, Alton, Ill.:

COLONEL: Your letter of the 23d instant, in relation to money transactions between the sutler and prisoners, is received, but the sutler's ticket mentioned was not inclosed. The regulations contemplate that

the prisoner will purchase from the sutler such articles as he may wish, for which on the bill he will give an order on the commanding officer who pays it, and who thus knows what the sutler sells. Your practice is just the opposite of this. You give the prisoner an order or ticket on the sutler for $5, more or less, in trade, and he buys with it, or he disposes of it in some other way. Your plan possibly saves trouble in disbursing the deposits, but the mode required by the regulations must be adhered to. If the prisoners deposit gold they are entitled to the full value of it, including the premium, and if the premium belonging to any prisoner, now present, has been placed in the prison fund it must be returned to him by deposit in your hands. When prisoners are released on bond forward the bond to this office.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., December 31, 1863.

Col. WILLIAM WALLACE,
Commanding Camp Chase, Columbus, Ohio:

COLONEL: Your letter of the 22d instant, requesting instructions how to dispose of a watch belonging to the rebel General Morgan, is received, and in reply I have to say that the watch and any other articles which may have been left by the rebel prisoners who recently escaped from the penitentiary will be sold and the proceeds added to the prison fund. If any money was left by any of them it also will be added to the fund. I will add in this connection that money or valuables left by deceased prisoners should be disposed of in the same way.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. COMMANDER OF POST CAMP DOUGLAS,
Chicago, Ill., December 31, 1863.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: In addition to what I have stated in my letter inclosing reports of the condition, &c., of prisoners of war,* I have the honor to inform you further that the subsistence of prisoners of war is furnished by the commissary through the contractors, John McGinnis, jr., & Co. The article of beef these contractors furnish through a sub-contractor named Curtis, who cuts up and delivers directly to the rebel commissary sergeants upon orders issued by the commissary of prisoners. I am clearly satisfied that for some time back the weight of the beef issued to the prisoners has been short. I believe that the original contractors are not implicated in the matter, as they leave the furnishing of beef entirely to the sub-contractor and settle with him on the orders issued by the commissary of prisoners. I am further induced to this belief by the character and standing of some of the contractors, whom I personally know. I am engaged now in investigating this question and will hereafter have some person to superintend the issuing of all the rations. The question I now desire to submit to you is this: If, upon further investigation, I remain satisfied that this fraud of cheating in weights has been carried on without, however, being able to

* See December 30, p. 778.

obtain sufficient legal proof to justify a prosecution, would it meet with approval if I should compel the suspected party to pay over to the commissary for account of prisoners' savings fund what I might determine to be a fair restoration of the money thus wrongfully sought to be and already obtained? I have informed the contractors and Curtis of my suspicions and have also notified the commissary (Captain Edwards) to withhold his settlement to await further investigation. The fact that this shortness in weight in beef has been almost entirely with the prisoners is the reason why I think clear proof will be difficult to obtain. Curtis has had an interview with me and would, I think, consent to my order to refund. I also desire to advise you that I find here prisoners of war permanently engaged in helping the persons who issue the rations and doing divers other duties for different persons about the camp. Has this practice met with your sanction?

I am, colonel, very respectfully, your obedient servant,

WM. W. ORME,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, December 31, 1863.

Col. C. C. DWIGHT, *160th Regiment New York Vols., New Orleans:*

COLONEL: The major-general commanding appoints you commissioner to confer, in his name, with a commissioner appointed by Maj. Gen. R. Taylor, C. S. Army, on the subject of exchange of prisoners.

The place of meeting agreed upon for the conference is Red River Landing, near the mouth of Red River, to which place you will please proceed without delay. The time of meeting is the 1st proximo, or as soon thereafter as practicable.

Inclosed you have a copy of a letter* from the major-general commanding to Major-General Franklin, confirming the exchange agreed upon by the latter, and you are desired to give formal sanction to that exchange in the name of the major-general commanding, should it be requested.

You are authorized to offer to Major-General Taylor, on the same terms as those agreed upon by Major-General Franklin, all the prisoners recently captured by the U. S. forces in Texas, provided he will procure the delivery of all captured from the United States at Galveston, Sabine Pass, and other points in Texas. You will also endeavor to procure the release on parole of our prisoners captured at Brashear and other points in the department, and now held by the Confederate authorities.

You will be careful in all conferences to keep in view the fact that the commanding general will not sanction any difference being made between the officers and men of different corps of the army.

The officers and men of colored regiments have been received into the service of the country; and no agreement can be made or discussed in which the rights of the colored troops or their officers to be treated and exchanged as other prisoners of war may be ignored.

You will please correspond freely with these headquarters during your conferences, using the telegraph from Port Hudson to facilitate communication.

I am, colonel, very respectfully, your obedient servant,

CHAS. P. STONE,
Brigadier-General and Chief of Staff.

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* See December 21, p. 737.

[Inclosure.]

Memoranda of prisoners of war held by Major-General Banks, commanding Department of the Gulf, December 31, 1863.

Officers:	
Colonels	1
Majors	1
Captains	5
Lieutenants	13
Total	20
Enlisted men:	
Non-commissioned staff	2
Sergeants	12
Corporals	10
Artificer	1
Privates	193
C. S. Navy	8
Total	226

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., December 31, 1863.

Brig. Gen. N. B. FORREST, C. S. Army,
Comdg. Dept. of West Tennessee, now in North Mississippi:

SIR: I have the honor to acknowledge receipt of your communication of 30th, and in reply send you a list of commissioned officers, prisoners of war, and a statement of number, &c., rank and file, so far as heard from.

It is somewhat doubtful, under the terms of the cartel, whether I am authorized to exchange prisoners, but for the sake of humanity I will assume the responsibility

If you will forward by flag of truce the names and rank of the officers captured, and the number and regiment and company of the rank and file, I will cause the exchange to be made, and will designate the south side of Wolf River, opposite La Grange, as the place of exchange.

As you have not done me the favor of sending a roster of your command, nor specified what you understand by the regular troops of the C. S. Army, it may happen that I cannot give the preferences which you indicate, first, for your own troops, next, for the officers and men of C. S. Army.

I will, however, exchange rank for rank and man for man, excluding irregular guerrillas, who have no commissions and show no authority.

Your obedient servant,

S. A. HURLBUT,
Major-General.

HEADQUARTERS CAMP PAROLE,
Near Annapolis, Md., January 1, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I beg leave respectfully to state that the clothing of the paroled prisoners of war who arrived from Richmond, Va., on the 29th instant, although comparatively new and in good condition, was filled with vermin to such an extent that it was considered best to reclothe the men entirely. The clothing taken from the men has been boxed up,

and I respectfully inquire if it can be returned to Richmond, Va., for the use of the prisoners of war at that place.

I remain, colonel, with much respect, your obedient servant,

ADRIAN R. ROOT,

Colonel Ninety-fourth New York Vols., Commanding Camp Parole.

DALTON, *January 1, 1864.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I had the honor to receive your letter in relation to the trial of Captain Gurley by the military authorities of the United States. Lieutenant-General Hardee had written to Major-General Grant on the subject before your letter was received. This morning a reply to Lieutenant-General Hardee's letter was received from Major-General Grant.*

From this reply I suppose that Captain Gurley's trial has been ordered by the United States Government, and therefore transmit to you the letter in question, that you may address the U. S. military authorities on the subject.

Most respectfully, your obedient servant,

J. E. JOHNSTON,

General.

COLUMBIA, S. C., *January 1, 1864.*

[President DAVIS:]

DEAR SIR: It is in your power to remove or greatly mitigate the growing discontent and almost universal gloom that now pervade our people in many (nearly all) parts of the country. This is owing to influences that emanate from certain persons in power at Richmond; most especially General Winder. He is universally disliked, and by many detested. Coming from a State that has no sympathy with us, it is thought strange he should be put in a position where he can exert his influence for so much evil. His sympathies are wholly with Marylanders. He grants them favors denied to our own people; allows them to cross the lines at pleasure. In addition, he is charged with habitual drunkenness, accepting bribes for passports and permission to bring liquor into the city. He has greatly prejudiced our people by his profanity and abuse of all to whom, by bribery or for other causes, he is not made partial. The people are weary of such a man in so prominent a position. It is in your power to give a better man to the office which Winder holds, and thereby increase the affection of the people for yourself, and restore their confidence in our ultimate success.

With much respect,

T. O. STEVENS.

[Indorsements.]

SECRETARY OF WAR: I know nothing of the writer, and the want of specifications deprives his allegations of claim to consideration, unless his character may entitle his statement to it.

J. D.

JANUARY 15, 1864.

No. 1.—Can you learn who and what is this Mr. Stevens?

J. A. S.

File February 23, 1864.

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* See p. 771.

Ben. S. Wood, surgeon, C. S. Army, relative to the treatment of Lieutenant-Colonel Patton, who was placed in close confinement with ball and chain for trying to escape.*

[Indorsement.]

JANUARY 1, 1864.

Respectfully returned to the Honorable Secretary of War.

Colonel Streight, who attempted to escape some nights since, is now in solitary confinement in irons. The same course, I understand, is to be pursued in future cases. Major White attempted an escape some time since, but was only confined for a day. Shall he be put in irons, or shall I notify the Federals that unless Lieutenant-Colonel Patton is released White will be put in irons? Is it entirely clear that the Yankees have no right to punish a party for attempting to escape? Please return the paper.

RO. OULD,
Agent of Exchange.

EXECUTIVE MANSION, *Washington, January 2, 1864.*

Major-General BUTLER:

SIR: The Secretary of War and myself have concluded to discharge of the prisoners at Point Lookout the following classes:

First. Those who will take the oath prescribed in the proclamation of December 8 and, by the consent of General Marston, will enlist in our service.

Second. Those who will take the oath and be discharged and whose homes lie safely within our military lines.

I send by Mr. Hay this letter and a blank book and some other blanks, the way of using which I propose for him to explain verbally better than I can in writing.

Yours, very truly,

A. LINCOLN.

WASHINGTON, *January 2, 1864—2.30 p. m.*

Major-General BUTLER, *Fort Monroe:*

The President has had under his consideration the question presented in your telegram of the 27th ultimo, regarding the enlistment of prisoners, and will to-day send his private secretary, Mr. Hay, to Point Lookout with a letter to you, and also instructions to General Marston. You will please meet him there, if convenient, and come to Washington for the purpose of explanations and further instructions.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 2, 1864.

The ADJUTANT-GENERAL OF THE ARMY:

SIR: I have the honor to inclose herewith a copy of an extract from the Tri-Weekly Telegraph, Houston, Tex., Friday, November 20, 1863, being a letter from Robert Ould, Confederate agent of exchange, to

* Wood's letter not found.

Lieut. Col. N. G. Watts, Mobile, Ala., relating to the return to duty of the Confederate prisoners of war captured and paroled at Vicksburg and Port Hudson.*

I have also the honor to forward an order of Lieut. Gen. L. Polk, dated headquarters Paroled and Exchanged Prisoners, Enterprise, Miss., November 20, 1863,† taken from the Mobile Daily Advertiser and Register of December 15, 1863, relating to the same subject, of a later date than Mr. Ould's letter, which appears to limit the service of prisoners paroled at Port Hudson to duty in paroled camps until exchanged.

I respectfully request to be informed whether any recognition has been made by our Government of the illegality of these paroles. It is a question of great importance in this department, one person being already under sentence of death by the provost court in this city for being found in arms against the United States after having been paroled at Port Hudson, he pleading to have been returned to duty by virtue of orders from Richmond.

I have the honor to be, very respectfully, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

U. S. MILITARY PRISON,
Camp Morton, Indianapolis, January 2, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

I have the honor to transmit for your approval duplicate blank requisitions, which I trust will meet with your favorable consideration. Owing to the extreme sudden change of the weather, I was obliged to obtain and distribute the clothing specified in the inclosed requisitions at once, in order to prevent great suffering, as this number were entirely destitute of the articles referred to. Trusting my action in this matter, under the existing circumstances, may be approved, I am

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding.

RICHMOND, VA., *January 2, 1864.*

Col. RO. OULD, *Commissioner for Exchange, Richmond, Va.:*

COLONEL: I am directed by the Secretary of War to inform you, in response to your inquiry of December 24, 1863, in regard to paroled and exchanged prisoners of different commands, that those belonging to organizations on this side of the Mississippi River should be at once returned to them, and that Missourians, Arkansans, or Louisianians should be sent on temporary transfers to companies from their respective States serving on this side.

Exchanged men belonging to organizations east of the Mississippi River which are broken up or not capable of assemblage should be formed temporarily into companies and reported, that they may be assigned to some active duty. The men not yet exchanged should

* See October 10, 1863, p. 367. † See p. 542.

be thrown into temporary companies for such service as may not conflict with their paroles, and reported.

I am, colonel, very respectfully, your obedient servant,

H. L. CLAY,
Lieutenant-Colonel and Assistant Adjutant-General.

Brig. Gen. John Echols, relative to the exchange of A. J. Stevenson, sheriff of Nicholas County, under the bogus Virginia government.*

[Indorsements.]

JANUARY 2, 1864.

Respectfully returned to the Secretary of War.

My own conviction in this class of cases is clear that we should not be deterred from the arrest and detention of domestic traitors because the enemy seizes and holds one or more of our citizens as hostages for such parties. It is true that it is hard upon the hostages, but yet it is only one of the many forms of suffering which the cruelty and malignity of our foe inflict upon our people. Shall they be permitted by any resorts to interfere with our rights to administer criminal justice within our own limits?

RO. OULD,
Agent of Exchange.

Colonel Ould's opinion was concurred in by the Secretary of War January 7, 1864.

WAR DEPARTMENT, *Washington, D. C., January 4, 1864.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

SIR: The Secretary of War directs me to say that he authorizes the immediate issue on General Boyle's order of such clothing as is imperatively needed to prevent suffering amongst prisoners of war at Louisville without waiting for your formal approval of the requisitions.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WASHINGTON, D. C., *January 4, 1864.*

General BUTLER:

The Secretary of War directs that you forward as soon as practicable copies of the correspondence referred to in the following resolution of the House of Representatives:

Resolved, That if not incompatible with the public interest all communications in reference to the exchange of prisoners not heretofore published be communicated to this House by the Secretary of War.

Acknowledge receipt.

E. D. TOWNSEND,
Assistant Adjutant-General.

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*Echols' letter not found.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 4, 1864.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: The Secretary of War directs that you turn over to the officer who may be designated by the Secretary of the Navy to receive them such of the prisoners of war at Fort Delaware as will take the oath of allegiance and enlist into the Navy of the United States. A weekly report of prisoners so tranferred will be transmitted to this office for the information of the War Department.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Brig. Gen. G. Marston, Point Lookout, Md., and Brig. Gen. W. W. Orme, Camp Douglas, Ill.)

HDQRS. CAVALRY OF WEST TENN. AND NORTH MISS.,
Panola, January 4, 1864.

Maj. Gen. S. A. HURLBUT, U. S. Army,
Commanding Sixteenth Army Corps, Memphis, Tenn.:

SIR: I have the honor to acknowledge receipt of your favor of 31st ultimo, and respectfully forward you herewith a list of Federal prisoners now in my camps; have telegraphed to Grenada for the balance to be sent to my headquarters with as little delay as possible. Will forward a list of them as soon as they arrive.

If not objectionable to yourself it would be more expeditious and less fatiguing to the prisoners now in my possession to make the exchange at some point on the Mississippi and Tennessee Railroad, say at Hernando or at Farrar's, ten miles south of Memphis; also that you will set a time for the exchange several days hence in order that the balance of the prisoners now at Grenada may be exchanged also.

George M. Robertson, who is reported in your list of officers as second lieutenant Company B, McDonald's battalion, is not and never was an officer. He is a private, a deserter and a thief. In order to get him will give a man for him. He has represented himself falsely, as also have others on the same list belonging to Twelfth Tennessee Cavalry. They were men sent out to gather up absentees from the army and from their commands, but never were commissioned officers.

I respectfully inclose list* of those desired in exchange for your prisoners now in my camp. The balance I have will more than cover your entire list of privates. Am willing, however, when they arrive for exchange to turn you over any excess, with the understanding and assurance that you will release and send to me an equal number of my men when captured.

I am, general, very respectfully, your obedient servant,

N. B. FORREST,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 4, 1864.

Brig. Gen. W. W. ORME, *Comdg. Camp Douglas, Chicago, Ill.:*

GENERAL: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, reporting the condition of prisoners of war at

* Omitted.

Camp Douglas, with accompanying papers. It appears from these papers that the rations usually issued to prisoners have habitually fallen short in weight, particularly in beef and bacon, and that some of the articles are of an inferior quality. I have therefore to request that you will have the whole matter of rations thoroughly investigated, to ascertain how far and in what articles the provisions furnished have been inferior in quality to what is required by the contract; to what extent and in what articles the issues have been short in the number of rations and the weight of the articles, and to whose gain these deficiencies in quality and quantity inured. Please report through this office [as soon] as practicable, for the information of the War Department.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 4, 1864.

Col. A. R. ROOT, *Comdg. Camp Parole, Annapolis, Md.:*

COLONEL: In reply to your communication of the 1st instant in relation to prisoners arriving from Richmond, Va., I am directed by the Commissary-General of Prisoners to request that you have the clothing you referred to cleaned.

Very respectfully, your obedient servant,

W. T. HARTZ,

Captain and Assistant Adjutant-General.

RED RIVER LANDING, LA., *January 4, 1864.*

Maj. WILLIAM M. LEVY, C. S. Army, *Commissioner, &c.:*

SIR: As commissioner on the part of Major-General Banks, U. S. Army, for the exchange of prisoners, I am authorized to offer, and do hereby offer, to Major-General Taylor, C. S. Army, to deliver to him, upon the same terms as those agreed upon in the cartel this day executed by us,* all the prisoners recently captured by the U. S. forces in Texas, provided Major-General Taylor will procure the delivery to Major-General Banks of the prisoners captured from the forces of the United States at Galveston, Sabine Pass, and other points in Texas.

I am, major, very respectfully, &c.,

CHARLES C. DWIGHT,

Colonel 160th New York Volunteers, Commissioner, &c.

RED RIVER LANDING, LA., *January 4, 1864.*

Col. CHARLES C. DWIGHT,
160th New York Volunteers, U. S. Army, Commissioner, &c.:

SIR: In reply to your note of this date, offering on behalf of Major-General Banks, U. S. Army, to deliver to Major-General Taylor, C. S. Army, upon the same terms as those agreed upon in the cartel this day executed by us, all the prisoners recently captured by the U. S. forces in Texas provided Major-General Taylor will procure the delivery to Major-General Banks of the prisoners captured from the forces of the United States at Galveston, Sabine Pass, and other points, I have to state that I am not authorized to make any arrangements for the

* See p. 817.

exchange or delivery of prisoners captured by any other command than that of Major-General Taylor.

Efforts are now being made by Major-General Taylor to accomplish the object which you desire in this matter. I will communicate your offer to Major-General Taylor and advise you at the earliest practicable moment of the result of these efforts.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,
Major and Commissioner
In behalf of Major-General Taylor, C. S. Army.

RED RIVER LANDING, LA., *January 4, 1864.*

Col. CHARLES C. DWIGHT,
160th New York Volunteers, U. S. Army, Commissioner, &c.:

COLONEL: I am instructed by Major-General Taylor, C. S. Army, commanding District of Western Louisiana, to call your attention, and through you that of Major-General Banks, to the arrest and detention of citizens of the Confederate States holding no military position and in no manner connected with the army. The assurances of Major-General Banks in correspondence heretofore had with him of his indisposition to hold as prisoners private citizens induces me with the greater confidence to refer to cases of this character with the hope that individuals thus held may be released. Among those who are detained I would cite Judge A. Voorhies, of Saint Martin's Parish; Mr. J. G. Pratt, of Saint Landry, and Mr. D. O'Brien, of Vermilion. All of these gentlemen are private citizens wholly disconnected with the army. Judge Voorhies is an associate justice of the supreme court of Louisiana, elected in 1859, and has never been in the army, but has confined himself to his judicial duties. Mr. Pratt was formerly brigadier-general of the State militia, but for nearly a year has been disconnected with that position, and long since vacated his commission. For many months previous to his arrest he had resided quietly at his plantation in Saint Landry, and at the time of capture was at home not expecting to be interfered with, as he was clearly a non-combatant. Mr. O'Brien was never in the military service of the Confederate States. Major-General Taylor instructs me to state that he sincerely desires there may be a discontinuance of the practice of making arrests of this character and detaining in custody private citizens, non-combatants, whom he does not regard as proper subjects for capture as prisoners of war, and would be glad to accede to some arrangements which would definitely settle a policy in this district putting a stop thereto.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,
Major and Commissioner
In behalf of Major-General Taylor, C. S. Army.

CANTON, *January 4, 1864.*

Lieutenant-General POLK, *Commanding, &c.:*

Just received the following telegram from General Forrest at Como, via Senatobia, Miss.:

Send back the Federal prisoners if they have reached Canton under Captain Goodwin. I have effected an exchange with General Hurlbut at Memphis for our troops. Answer immediately.

W. W. LORING,
Major-General.

MOBILE, *January 4, 1864.*

Lieutenant-General POLK:

Please direct the Federal prisoners captured by General Forrest to be retained at Meridian till his arrival.

S. D. LEE,
Major-General.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, La., January 5, 1864.

Maj. Gen. W. B. FRANKLIN,
Commanding U. S. Forces in West Louisiana:

GENERAL: I have the honor to acknowledge the receipt of your communication of the 2d instant, with the copy of the dispatch of Major-General Banks to you of the 19th ultimo.

The sentiments expressed by Major-General Banks with regard to the exemption of civilians within the circle of military operations from disturbance or arrest I need hardly say meet my cordial approval. They have satisfied me of the sincere desire entertained by Major-General Banks to put an end to arrests of non-combatants in the district of country over which he exercises military control, and acting under that conviction I have released Mr. W. M. Gatchell, the Herald correspondent, and send him down to you with this communication. I shall take the necessary measures to prevent for the future the arrest or detention by the troops under my command of persons not connected with the Army or Navy of the United States, nor engaged in giving them assistance in military movements, and shall confidently anticipate the adoption of similar measures by Major-General Banks. I shall also cause it to be known to the inhabitants of those portions of the State which may be subject to invasion that in case of invasion they can safely remain at their homes without the fear of disturbance in the peaceful pursuit of their avocations.

Among the prisoners taken in the movement on Brashear City were several who claimed to be civilians. They have been sent to Texas. I shall direct an inquiry to be made into their condition and have them released if their representations prove correct.

I have no doubt my commissioner, Maj. W. M. Levy, now in conference at Red River Landing with the commissioner appointed by Major-General Banks, will be able to form with that officer a convention for the general exchange and delivery of prisoners of war which will be satisfactory to both parties.

The case of Mr. John G. Pratt, of the parish of Saint Landry, has been misapprehended by Major-General Banks. Mr. Pratt at the time of the fall of the city of New Orleans was a brigadier-general of militia in the service of the State and so continued until the repeal by the legislature at its last session of the militia law under which he held his commission. Mr. Pratt has never held any other commission than that of brigadier of militia, which was vacated at the time I have mentioned, and has never been engaged in the organization of military forces for the C. S. Army.

About eighteen months since a camp in the vicinity of New Iberia which had been used as a camp for a small body of militia, and which bore his name, was taken by me as a camp of instruction for conscripts, but Mr. Pratt has never exercised any authority, military or otherwise, over or in connection with that camp since the day it was so appropriated. I trust that this explanation will be sufficient to convince Major-

General Banks that Mr. Pratt, in accordance with the liberal views he has expressed relative to non-combatants, is entitled to be released and that he will be permitted to return to his home.

Very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding District of Western Louisiana.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 5, 1864.

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

COLONEL: The following is a copy of a telegram which I sent you:

WASHINGTON, D. C., *January 5, 1864.*

Lieut. Col. W. S. PIERSON,
Commanding Depot Prisoners of War, Sandusky, Ohio:

Divide the officers prisoners of war into parties of 500, taking a proportional number from each grade and make duplicate parole-rolls, not signed, of each party, without delay. When will the first set of rolls be completed?

W. HOFFMAN,
Commissary-General of Prisoners.

The division of the prisoners of war into parties and preparing rolls of them is with a view to transferring them South, and while you are making up the rolls you will at the same time make all necessary arrangements for the movements in parties of 500, of probably an interval of forty-eight hours between them. The transportation will be provided for in this city, and you will only have to attend to getting the parties and their baggage from the island to the cars. Their baggage should be taken over before they leave, and you should have large sleighs prepared, two together, with a platform to carry over the sick and feeble. They will take with them cooked rations for the journey of perhaps two days. Each party will be accompanied with a guard of one company made up to 100 men. Select the most efficient and reliable captains in your command. The guard of the first detachment will probably return before the third detachment leaves. Instruct the officer in charge not to allow the prisoners to leave the cars, or to have communication with any one by the way. He will take a receipt for all prisoners delivered, and will account for by name all who may not be delivered. The direction in which the movement is to be accomplished and the time of starting will be indicated to you when all needful preparations are completed.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE MONONGAHELA,
Pittsburg, Pa., January 6, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I infer from your letter of the 17th that there is no immediate prospect of the prisoners of war being removed from the Western Penitentiary in Allegheny. If this surmise is correct I hope some instructions may be sent in regard to their confinement. On their

arrival here they were put two in a cell of about eight by twelve feet, and the privilege was given for exercise in the prison yard of two hours in the morning and one in the afternoon, the prisoners giving their verbal parole of honor not to attempt to escape or take advantage of the privilege granted. This parole was violated by two of the number, who were caught making an attempt to escape, and the privileges to all canceled and the prisoners kept in close confinement. Now they are allowed exercise in the open air at irregular intervals and according to the weather. The officer in charge reports that the confinement appears to have a very injurious effect on their health. There are no vacant cells, so that if it were desirable to separate them and put them singly in cells it is impossible. When they have exercise now it is under the supervision of sentinels from the provost guard, in which little dependence can be placed.

Very respectfully,

W. T. H. BROOKS,
Major-General.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., January 6, 1864.

Maj. Gen. N. B. FORREST, C. S. Army,
Comdy. Cavalry North Mississippi and West Tennessee:

SIR: I will deliver the equivalent of prisoners in your hands at Hernando on Thursday, the 15th day of January instant, if the full number is at that time in my control. If not, my exchanging officer will be authorized to receipt for the excess, to be returned at the first opportunity. I shall expect the same from you. Rolls of prisoners will be made in triplicate.

I shall feel it an obligation if you will cause a list of prisoners to be forwarded to me at as early a date as possible.

I have the honor of recommending to you that some evidence of rank and commission be furnished to Confederate officers, to prevent their imposing, as in the case of Robertson, of whom you speak in your letter.

I send herewith a letter in relation to the estate of Mrs. J. K. Polk, which I have already brought to the notice of Brigadier-General Chalmers, and which I desire may be forwarded to the proper officer.

Very respectfully, your obedient servant,

S. A. HURLBUT,
Major-General, U. S. Volunteers.

NEW ORLEANS, LA., *January 7, 1864.*

Brig. Gen. CHARLES P. STONE, *Chief of Staff, &c.:*

GENERAL: I have the honor to report that, in obedience to the instructions contained in your letter of December 31 ultimo, I left this city on the 1st instant, reached the mouth of Red River on the evening of the 2d instant, and met the commissioner on the part of Maj. Gen. R. Taylor at Red River Landing on the morning of the 4th instant. After an exhibition to each other of our respective credentials, we proceeded to confer upon the subject of an exchange of prisoners, and a short conference resulted in the execution by myself and Maj. William M. Levy, the commissioner on the part of Major-General

Taylor, of the cartel, in duplicate, one copy of which I have the honor to present herewith, and which will be seen to embrace all the prisoners heretofore captured, respectively, by and from the commands of Major-General Banks and Major-General Taylor. Some discussion was had in reference to a general cartel for the exchange of all prisoners hereafter to be captured by and from the same commands, but thereupon immediately arose the question of the exchange of the officers and men of the negro organizations, when Major Levy informed me that his instructions positively forbade him to make any agreement which should in any manner include the members of such organizations, and I informed him that my instructions equally forbade me to make any agreement which should in any manner exclude or discriminate against them. It was therefore apparent that no agreement for the exchange of future captures could be made by us.

Major Levy declared that the cartel which was executed by us did not violate his instructions above mentioned, for the reason that General Taylor had not, up to that time, taken any prisoners of the organizations referred to.

Accompanying the cartel, inclosed with this, will be found a correspondence between Major Levy and myself upon the subject of a proposed exchange of prisoners captured by and from the commands of Major-General Banks in Texas; also a letter from Major Levy, designed to call the attention of Major-General Banks to the matter of the capture of non-combatants, and especially to the cases of Messrs. Pratt, Voorhies, and O'Brien, claimed to be non-combatant residents within the lines of the Confederate Army, lately taken prisoners by the forces of Major-General Banks.*

Having completed the business of my mission, I left the mouth of Red River on the 5th instant and arrived in this city on the evening of the 6th.

I am, general, very respectfully, your obedient servant,

CHARLES C. DWIGHT,

Colonel 160th New York Volunteers, Commissioner, &c.

[Inclosure.]

Cartel for the exchange of prisoners captured, respectively, from the commands of Maj. Gen. N. P. Banks, U. S. Army, and Maj. Gen. R. Taylor, C. S Army, and for the parole and delivery of the excess of prisoners held by either of these officers.

RED RIVER LANDING, LA., *January 4, 1864.*

The undersigned commissioners, appointed, respectively, by Maj. Gen. N. P. Banks, U. S. Army, and Maj. Gen. R. Taylor, C. S. Army, for the purpose of arranging and agreeing upon a cartel for exchange of prisoners of war belonging to the above-mentioned commands, do hereby agree upon the following articles, viz:

I. The officers and enlisted men who have heretofore been captured, respectively, by and from the commands of Maj. Gen. N. P. Banks, U. S. Army, and Maj. Gen. R. Taylor, C. S. Army, in Western Louisiana, west of the Mississippi River, shall be exchanged, officer for officer, according to their several corresponding grades in service, and enlisted man for enlisted man, as far as the officers and enlisted men held by Major-General Banks and Major-General Taylor will enable such exchange per capita to be made.

*For this correspondence, see January 4, pp. 812, 813.

II. The excess of officers and enlisted men, prisoners of war, belonging to either of the commands above mentioned, shall be delivered on parole not to bear arms or render any military service until regularly exchanged, under the terms and conditions hereinafter mentioned, to their friends at the places herein selected, though said prisoners shall not be released from their paroles until regularly exchanged; and, in the event of the paroles of such prisoners not being recognized by their respective Governments, they shall be returned by Maj. Gen. N. P. Banks, U. S. Army, or Maj. Gen. R. Taylor, C. S. Army, as the said excess may have been delivered to one or the other of them.

III. This cartel is intended to embrace all the prisoners heretofore captured in Western Louisiana by the forces of Maj. Gen. R. Taylor, C. S. Army, from the command of Maj. Gen. N. P. Banks, and those captured by the forces of Major-General Banks from the command of Major-General Taylor, at any points in Western Louisiana, not heretofore exchanged or delivered on parole, including those captured at and near Fort Butler, La., in June, 1863.

IV. List of the prisoners herein embraced, who have been heretofore captured by either of the commands above mentioned, and whose exchange and delivery is herein provided for, shall be furnished respectively to each other by Major-General Banks and Major-General Taylor; and in the exchange and delivery of said prisoners any misnomers or failure to deliver according to said lists on account of death or escape of the prisoners shall be corrected at the time of delivery by the officers charged with the delivery, the spirit of the cartel not to be vitiated by any discrepancies or errors in such lists which may be fairly explained.

V. The point of delivery of the prisoners to be exchanged and paroled shall be the Red River Landing, near the mouth of the Red River, in the parish of Pointe Coupée; but, upon due notification of a desire to change the same by either of these commissioners, some other point may be selected by them.

VI. If prisoners belonging to the command of Maj. Gen. N. P. Banks, heretofore captured by other forces in the Trans-Mississippi Department, Confederate States of America, than those of Major-General Taylor, or prisoners on parole within the district of Major-General Taylor, can, with the consent of the authorities having control of the same, be included in the terms of this cartel, due notice thereof shall be given by Major-General Banks and Major-General Taylor to each other, with a view to embracing them in the terms hereof.

VII. Col. Charles C. Dwight, One hundred and sixtieth New York Volunteers, U. S. Army, commissioner on behalf of Maj. Gen. N. P. Banks, U. S. Army, commanding Department of the Gulf, under authority vested in him by Maj. Gen. N. P. Banks, U. S. Army, does hereby, in behalf of Maj. Gen. N. P. Banks, commanding Department of the Gulf, ratify and approve the delivery of the excess of paroled prisoners by Maj. Gen. R. Taylor, C. S. Army, to Maj. Gen. William B. Franklin, U. S. Army, under the agreement entered into between Col. E. L. Molineux and Maj. W. M. Levy, commissioners for exchange on behalf of Major-General Franklin and Major-General Taylor, respectively, and approves and ratifies the terms and conditions of said agreement.

VIII. The prisoners in excess, who may be delivered on parole as hereinbefore mentioned, shall not be included in any cartel which may be entered into on behalf of the United States and Confederate States without due notification and the consent of Major-General Banks and

Major-General Taylor, as the excess may be in favor of the one or the other.

Executed in duplicate.

CHARLES C. DWIGHT,
Colonel 160th New York Volunteers, Commissioner, &c.,
On the part of Major-General Banks, U. S. Army.
WILL. M. LEVY,
Major, C. S. Army, Commissioner, &c.,
In behalf of Maj. Gen. R. Taylor, C. S. Army.

COLUMBUS, OHIO, *January 7, 1864.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a thorough inspection of Camp Chase, near this place, and of the quarters occupied by prisoners of war in the Columbus penitentiary. At Camp Chase I found the sanitary condition of the prisoners' quarters and hospital quite satisfactory, and the only recommendation to be made, a more free use of lime in whitewashing the interior of the several buildings. The quarters of the guard were not in as satisfactory condition, sufficient care not being taken to keep the quarters clean and the guards policed. This was especially the case with the quarters of the Eighty-eighth Ohio Volunteers. In the quarters of this regiment (Eighty-eighth Ohio Volunteers) I found that four cases of varioloid had recently occurred, the last case on the morning of my visit. These cases had been reported from the regiment to the post surgeon, Acting Assistant Surgeon McFadden, but this latter officer had taken no steps to report the fact to the commandant of the post, Colonel Wallace, whom I found to be entirely ignorant of the existence of the disease at the post. With the exception of removing the patients when attacked to the general hospital, and vaccinating a few of the members of the regiment, no measures had been taken to prevent the spreading of the disease. On calling Doctor McFadden to account for his neglect of duty, he simply stated that he was not aware that it was his duty to notify the commanding officer of the existence of the disease. I immediately issued an order, through the commandant of the post, for the purchase of a sufficient supply of vaccine matter (if not to be obtained from the medical department), and the immediate vaccination of every person in or connected with the camp, or who may become connected with the camp while used for its present purpose. In this connection I would again suggest the impropriety of intrusting the medical management of these posts to comparatively irresponsible contract surgeons, and would respectfully but urgently recommend that the Surgeon-General be requested to assign a commissioned medical officer to each of the prison posts. At the penitentiary I found the prisoners of war satisfactorily provided for and the sanitary management properly attended to.

I shall start to-night for Sandusky, Ohio.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

ALTON MILITARY PRISON, *January 7, 1864.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: There are a great many of the rebel prisoners in this prison who are willing and anxious to enlist in the U. S. service as soon as an opportunity is offered them. Many of them have been conscripted in the rebel service and are now anxious to be avenged for the wrongs done them. Others were induced to enter the rebel service through misrepresentation of wicked and designing men, and would be glad to avail themselves of the first opportunity of enlisting in the U. S. Army. Can there not be some person authorized to enlist them? Many of them will make as good soldiers as any in the service. There is another class of prisoners that I would call your attention to. These are young boys, from fifteen to seventeen years of age, who were forced into the rebel army, and who are not able to endure the hardships of prison life. Many of them are now in bad health. Cannot some discretionary power be given the commanders of prisons in respect to this class of prisoners?

I am, colonel, very respectfully, your obedient servant,

G. W. KINCAID,
Colonel, Commanding Prison.

HEADQUARTERS FORT WARREN,
Boston Harbor, January 7, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: I have the honor to request permission to select a separate room in which I may place such prisoners as may be in delicate health, and who may be really unfit to be subjected to the confined air of rooms containing from twenty-eight to forty men each. There are at this time three or four political prisoners suffering with diseases of the lungs and throat who would come under this head.

Very respectfully, your obedient servant,

STEPHEN CABOT,
Major, First Batt. of Heavy Artillery, Massachusetts Vols.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, January 7, 1864.

Mr. THEO. ANDREA, *Wilmington, N. C.:*

DEAR SIR: There are about 1,000 prisoners of the troops of this State in Northern prisons who are suffering for clothing. Mr. Commissioner Ould, of the office of exchange, informs me that money can be sent to them to purchase clothing, and for this purpose I desire a bill of exchange on London. My own check on Mr. Collie, for cotton sales, might not be received. Could you give me a check on your house, which is doubtless well known in New York, and take my check on Mr. Collie? The amount I desire is $6,000, in two bills of $3,000 each. If you can manage this for me I shall be greatly obliged. Let me hear immediately.

Yours, &c.,

Z. B. VANCE.

HOUSE OF REPRESENTATIVES, *January 8, 1864.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: In the investigation now pending before the committee on Quartermaster's and Commissary Departments as to the truth of certain allegations made against the Commissary-General for failure in furnishing proper subsistence for the Federal prisoners, Colonel Northrop desired that you should be summoned to appear before the committee. I suggested to him, that as the meeting of the committee took place at night, it would, perhaps, be better he should commit the questions to writing, send them to me, and I would inclose them to you for your answer. I accordingly inclose them with this note and request that you will return the interrogatories to me with your answers at your earliest convenience.

Very respectfully, your obedient servant,

WALTER PRESTON,
Chairman Committee.

[Inclosure.]

Questions for the Secretary of War.

1. Did or did not the Commissary-General state to you the disadvantage to the commissariat and the injury to the country by giving rise to discontent consequent on agents of the Navy and of the Quartermaster-General, purchasing for naval supplies and for the prisoners, asking you to see the Secretary of the Navy and get an order prohibiting it, and asking directions that the Quartermaster-General should not exceed schedule rates in purchasing for the prisoners?

Answer. Yes; the Commissary-General made such representations more than once. At his instance I enjoined the heads of bureaus to conform to schedule prices fixed by the appraisers and avoid competition among the purchasing agents as far as practicable. I likewise had a conference with the Secretary of the Navy to induce a similar conformity and the avoidance of conflict on the part of purchasing agents.

2. Please state substantially what was your understanding of the arrangement for supplying the prisoners finally made between the Commissary-General and the Quartermaster-General, and which received your sanction?

Answer. The understanding had after some interchange of views in my presence between the Quartermaster-General and Commissary-General, as I understood it, was that the latter should assume the duty of affording subsistence supplies to the prisoners as to the soldiers; that the former should look to him for the discharge of the obligation imposed by him to feed them; that in conformity therewith as long as supplies could be obtained the prisoners should be subsisted as the soldiers; that if it became necessary from scant supplies to make a difference in the rations furnished the soldiers at posts and men in the field, in favor of the latter, then the prisoners should be provided as those at posts, and if at any time or finally it unhappily became impossible to furnish even reduced rates of meat to both the soldiers and the prisoners, the soldiers should be preferred. This arrangement and understanding had my sanction. On one occasion, however, afterward, on a deficiency of meat occurring from a casual necessity, I authorized General Winder, who came to me representing it as existing, in the then condition of the guard and the state of the city, some apprehension on his part of an outbreak of the prisoners, to purchase through his agent some beeves on their way to the market of the city.

Hon. WALTER PRESTON (chairman): Two questions have been given to Mr. Smith for Mr. Preston to ask the Secretary of War. I omitted the two following which I now wish prescribed:

3. Did I, or did I not, protest against Danville being a place for keeping prisoners, because it was a terminus of railroads and had no southern extension, and having already to supply large hospitals?

Answer. I did not understand the Commissary-General to insist exactly against the selection of Danville as a place of confinement for the prisoners, but while I was considering the propriety of sending them there he certainly urged, as a consideration against it, that it would be more difficult to subsist them, both because some of the counties around were believed to have had a deficient crop and because there was no direct railroad communication from the south; other considerations, however, left me, I thought, no other reasonable alternative, and a limited number were sent there.

4. Please state what discretion was allowed by you in feeding prisoners under the arrangement between the Quartermaster-General and Commissary-General.

Answer. My answer to the second question fully replies to this. No other discretion that I recollect was allowed than is there explained.

L. B. NORTHROP.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, January 8, 1864.

Brig. Gen. W. R. BOGGS, *Chief of Staff:*

GENERAL: I have the honor to forward herewith a copy of the cartel* entered into on the 4th instant by commissioners appointed, respectively, by Maj. Gen. N. P. Banks, U. S. Army, and myself, and copy of a letter* from General Banks' commissioner, containing an offer to deliver the prisoners recently captured by the U. S. forces in Texas, for the consideration and action of the lieutenant-general commanding. In order that there may be no delay in the exchange and delivery of prisoners embraced in the cartel, I have to request that the officers captured at Brashear City and in the La Fourche country, and the officers and men captured on the Fordoche by my command may be sent for and kept at Shreveport, so that they may be brought to the point of delivery as soon as I am informed by General Banks that he is ready to deliver his prisoners, the greater number having been sent North, and it being necessary to send there for them. In correspondence between General Banks and myself he has declared his intention of releasing civilians who have been arrested by his forces and detained in custody, and expresses a determination to put a stop in the future to such arrests of private citizens disconnected with the army. I have, therefore, to request that you will have the citizens who were arrested by me in my campaign in the La Fourche country last summer and forwarded to Shreveport, and Mr. F. Anderson, a reporter of the New York Herald, who was captured on the gun-boat Queen of the West, sent to this place at once, in order that I may release them and return them to their friends.

Very respectfully, your obedient servant,

R. TAYLOR,
Major-General, Commanding.

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* See pp. 817, 812, respectively.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1864.

Judge H. LENNOX BOND, *Baltimore, Md.:*

SIR: I have the honor to inclose herewith Special Orders, No. 13, of this date, appointing you a commissioner to determine cases of state prisoners sent to Fort Delaware for confinement by the general commanding the Middle Department at Baltimore.

The Secretary of War desires your commission to decide which prisoners should be immediately released and which retained in confinement, and to report your opinion in each case to Brigadier-General Lockwood, commanding the department. General Lockwood is instructed to give you access to the records in his office bearing on the several cases.

Will you please signify your acceptance or non-acceptance of the appointment by letter addressed to the Adjutant-General of the Army?

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

(Same to Judge John C. King, Baltimore, Md.)

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 9, 1864.

Brig. Gen. G. MARSTON:

You will cause every prisoner at Point Lookout to answer one of the following questions, taking his answer, after he has heard them all:

First. Do you desire to be sent South as a prisoner of war for exchange?

Second. Do you desire to take the oath of allegiance and parole, and enlist in the Army or Navy of the United States, and if so in which?

Third. Do you desire to take the oath and parole and be sent North to work on public works, under penalty of death if found in the South before the end of the war?

Fourth. Do you desire to take the oath of allegiance and go to your home within the lines of the U. S. Army, under like penalty if found South beyond those lines during the war?

You will adopt the form set forth in this book, and let each signature be witnessed, causing the oath and parole to be read to each man, the questions to be propounded to these men alone and apart from any other rebel prisoner.

The book mentioned herein will be forwarded in a few days.

Truly, yours,

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, January 9, 1864.

Hon. ROBERT OULD,
Confederate Agent for Exchange, Richmond, Va.:

SIR: Be so kind as to inform me of the whereabouts and present condition of John W. Burns, Company H, Twelfth Massachusetts Volunteers, who was taken prisoner on the 11th of October, 1863, and is at present supposed to be in Richmond, Va.

I am, sir, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, January 9, 1864.

Hon. ROBERT OULD,
Confederate Agent for Exchange, Richmond, Va.:

SIR: Will you please give me such information as you may be able to obtain concerning Capt. John [S.] McDowell, Seventy-seventh Pennsylvania Volunteers, captured at the battle of Chickamauga?

I am, sir, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 9, 1864.

Brig. Gen. PHILIP ST. GEORGE COOKE, U. S. Army,
Commanding District of Baton Rouge:

GENERAL: You are authorized to distribute a notice that the Port Hudson prisoners have not been exchanged by the Government.

By command of Major-General Banks:

C. P. STONE,
Brigadier-General and Chief of Staff.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 9, 1864.

Brig. Gen. W. W. ORME,
Commanding Camp Douglas, Chicago, Ill.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 31st ultimo relative to the frauds practiced at Camp Douglas in the issues of subsistence to prisoners of war, and reporting the employment of prisoners of war by various persons about the camp. When the report called for in my letter of the 4th instant is received I will lay the whole matter of the fraudulent issues of provisions before the Secretary of War, and will at the same time call his attention to your suggestion to compel the contractor to pay into the prison fund the value of the rations retained. The parties contracting with the Government are responsible that its terms are faithfully complied with, and I do not think they can shift the responsibility on the subcontractors or any third party.

The practice of employing prisoners of war by individuals in camp is not with my approbation, and should not be permitted, though there would be possibly no objection in a single case, yet it opens the door to irregularities, and the only safe way is to forbid it, except in official employments, as at the hospital.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

W. M. Ellington asks if clothing can be sent to a Confederate prisoner at Point Lookout.*

* Ellington's letter not found.

[Indorsement.]

JANUARY 9, 1864.

Respectfully returned to General Winder, commanding, &c.

Clothing and money for Confederate prisoners confined in the North can be safely forwarded via flag of truce.

RO. OULD,
Agent of Exchange.

James M. Brown, Darlington District, S. C., inquires if he can send money to his son, who is a prisoner at Camp Chase, Ohio.*

[Indorsement.]

JANUARY 9, 1864.

Respectfully returned.

Federal money can be transmitted through this office to our prisoners in the North with comparative safety. Any package you may wish to send to your son, if intrusted to us, will be promptly forwarded.

RO. OULD,
Agent of Exchange.

HEADQUARTERS FORT DELAWARE, DEL., *January 10, 1864.*

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to inform you of the abating of the smallpox. In two weeks the number was reduced from 178 to only 84, of which 60 of the latter will be discharged on next Saturday. No new cases have made their appearance for six days past, and only three deaths in seven days.

I am, colonel, very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General, Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 11, 1864.

Maj. Gen. B. F. BUTLER, U. S. Volunteers,
Comdg. Dept. of Virginia and N. Carolina, Fort Monroe, Va.:

SIR: By direction of the Secretary of War, Brigadier-General Lockwood, commanding Middle Department, has this day been instructed to send to you in irons Beall and his party, some fourteen in number, now held in confinement in irons at Fort McHenry.

The Secretary directs that on receipt of Beall and his party you cause their irons to be removed preparatory to an investigation of their cases, which you will order, and that as soon as the irons are removed you immediately send notice of the fact to the rebel agent of exchange. Acknowledge receipt.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

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* Brown's letter not found.

SPECIAL ORDERS, No. 11. } HDQRS. DEPT. OF VA. AND N. CAROLINA, *Fort Monroe, January 11, 1864.*

Lieut. F. M. Norcross, of the Thirtieth Regiment Massachusetts Volunteers, being disabled for active service because of lameness resulting from wounds received before Port Hudson, and yet desires to do what he can for the service, is, at his own request, detailed as recruiting officer among the rebel prisoners confined at Point Lookout. They will be recruited in accordance with the instructions contained in the letter to General Marston, of the date of January 9 instant, and the questions therein being asked of each of them before they enlist. The book mentioned in the letter will be furnished as soon as possible. They will be enlisted for three years, and for and during the war upon the same terms as other soldiers in the U. S. Army. An assistant surgeon of the hospital will be detailed by the surgeon in charge to examine recruits.

By command of Maj. Gen. B. F. Butler:

HENRY JOHNSTON,
Acting Assistant Adjutant-General.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, January 11, 1864.

Col. W. HOFFMAN,
Commissary General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt on the 9th instant of your letter of instructions, dated December 28. It confirms the construction which I had placed on your letter of the 25th. Your instructions shall be strictly carried out. I forward herewith my report of inspection of this depot, January 9, 10, and 11, inclosing copy of a communication addressed to the commandant of the post, requesting supplies, &c., for the hospital.

I leave to-night for Cincinnati, staying at the Burnet House while there.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure No. 1.]

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, January 11, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a careful and thorough inspection of the quarters occupied by the prisoners of war, as well as those of the troops stationed at this post.

Prison quarters—as regards the prison quarters, there is little, if any, change to be made in the particulars given in my last report. Police—the quarters are, with but one or two exceptions, filthy, the prisoners policing or not (after a fashion) as they see fit, no organized system being in force, but the whole matter left to the caprice of the prisoners themselves. The kitchens are filthy, with all their utensils, and the ground around the outer doors covered with filth and slops, frozen to the depth of several inches. The grounds show no evidence of having been policed for a long time. Sinks, disinfectant—the sinks

are in a filthy condition. The disinfectant powder ordered by you to be purchased has not yet been received. Lieutenant-Colonel Pierson wrote to the company for it November 28. I requested him to ascertain at once the cause of the delay in forwarding it, for its absolute necessity is everywhere most evident. The principal excuse urged by the prisoners for their filthy condition is the scarcity of water, caused by the freezing of the pumps and the frequent exhaustion of the wells. This excuse, however, will not hold good, for there is no difficulty in obtaining a sufficient supply of water from the lake. Ventilation—there is an utter absence of ventilation in all the quarters, and to this fact, together with that of their being generally overheated and almost constantly crowded with their inmates, who rarely venture out of doors, is attributable the great majority of the cases of disease which occur among the prisoners. Suggestions—several of the blocks are divided up into small rooms, each being made to accommodate six to twelve prisoners, although originally designed for but four. I would suggest that the partitions between these rooms be removed, thus dividing each block into but two barracks, one on each floor. They might then be readily provided with the means for some degree of ventilation, such as I have directed (as hereafter described), to be introduced into the hospital, and which I would suggest be also adopted here, unless it be deemed advisable to adopt some more complete and expensive method. The quarters should all be thoroughly and frequently (as they have not yet been) whitewashed. Blankets and clothing—the prisoners are provided with a sufficient supply of blankets, and but few complain seriously of having insufficient clothing, although all need and should be supplied with overcoats. Heating—there is a sufficient number of stoves and an abundance of wood for fuel. Rations—the rations provided are of good quality, though they suffer considerably from improper cooking, and are in sufficient quantity with the exception of vegetables. The ordinary ration of potatoes is issued as a purchase from the prison fund. I have recommended to the commanding officer that at least two rations of cabbage or onions be issued per week as a preventive of scurvy, for although there are no declared cases of this disease at present in camp, yet many, perhaps a majority of the prisoners, are more or less strongly tainted with it. Hospital—the hospital is in a slightly better condition than the quarters. It consists of four wards, two on each floor, and each forty-eight feet long, twenty-eight feet wide, and ten feet high, affording accommodation for sixty-eight beds, allowing 800 cubic feet of air to each patient. There are at present in the hospital eighty beds and fifty-six patients, of whom fifteen are cases of erysipelas, the remainder being principally a low type of fever complicated with pulmonary disease, and chiefly superinduced by living in the crowded and unventilated quarters. Ventilation—the wards are utterly unventilated except by the side windows. The accompanying copy of a communication to the commanding officer describes the manner in which I propose to remedy, though by no means effectually, this defect. Police—the wards are defective in their police and are much in need of a frequent coat of whitewash; especially in view of the fact that their walls are rough-plastered. Heat—they are each heated by one stove, which in the present state of the weather is insufficient. I have directed that an additional stove be placed in two of the wards (the pulmonary and convalescent). Fuel (wood) is abundant and of good quality. Kitchen—the kitchen is partitioned off from the lower right-hand ward and though small can be made to answer its purpose. It is under the charge of a Confederate

major, whom the surgeon in charge states to be a competent cook and to discharge his duties, as far as cooking is concerned, well. The kitchen and utensils, of which latter there is a sufficient supply, are, however, exceedingly dirty. Hospital clothing—there is an entire absence of hospital clothing, as drawers and shirts, which are very much needed and of which I have directed a proper supply be procured. Laundry—there is also an utter want of facilities for hospital laundry purposes. These, also, I have directed to be provided. Supplies—the supplies of medicines are kept well filled. There is a sufficient supply of blankets and of all utensils absolutely needed. Hospital fund—there is no hospital fund kept separately from the general prison fund, purchases for the hospital being made from the latter. These purchases have been judiciously made, though not to the extent in the purchase of vegetables, &c., that is perhaps necessary. Of vegetables I have directed a larger supply to be issued. Attendance—the sick are attended by medical men (bearing line commissions) of their own army, under the supervision of the surgeon in charge. Statistics—the total number of prisoners during the month of December, 1863, was 2,625. Number of sick reported, 219; deaths, 18; percentage of deaths to number of prisoners, .68; percentage of deaths to number of sick, 8.21. This is a large percentage of mortality and is, I think, attributable to the causes before alluded to. Surgeon in charge—the remarks above made should not be construed to bear too heavily on the surgeon in charge, Dr. T. Woodbridge. His work shows him to be evidently a man of no mean professional ability. He is, moreover, of very kind and gentle temper, and this, together with his very limited acquaintance with military and hospital routine, renders him unfit to force obedience to his orders in the proper conduct of the hospital or in the sanitary management of the camp. If it were practicable for the Surgeon-General to assign a competent assistant surgeon to act as medical executive officer at the post, it would lighten Doctor Woodbridge's labors and be of advantage to the post.

Guard, camps and hospital, troops—the present number of troops stationed at this post is 1,284, including officers, comprising the Hoffman Battalion, Ohio Volunteer Infantry, four companies; Twelfth Ohio Volunteer Cavalry, six companies; Twenty-fourth Ohio Light Artillery, First Ohio Heavy Artillery, one battery each. Commandant of post, Lieut. Col. W. S. Pierson, Hoffman Battalion. Quarters—the officers' quarters face the western wall of the prison yard at about 200 feet distance. The Hoffman Battalion occupy barracks just outside the northwestern corner of the prison inclosure. The cavalry (dismounted and acting as infantry) and artillery are encamped in tents near the northwestern shore of the island. The infantry barrack is an ordinary two-story frame building divided into four rooms, each about forty-five by twenty-five by ten feet in dimensions; well heated by stoves; in tolerable state of police, and, as usual, utterly devoid of ventilation except by the side windows, of which there are eight in each room, with two additional in the outer end of each of the upper rooms. These windows are, of course, always closed. The cooking is done by company detail in a small lean-to on either end of the barrack. The cooking utensils are sufficient in quantity and quality, but, with the kitchens, not in very good order. Cooking—the cooking appears to be done as well as it ordinarily is by men not familiar with the process. Hospital—the hospital is in excellent condition as regards police and general management, but is utterly unfitted for its present purpose both in size and construction. A new building should be erected at once. The

hospital offices and store-rooms are in very creditable order. Requisitions are promptly filled and the books and papers in good order. Hospital fund—the present hospital fund is $119. Purchases are mostly of articles of diet and appear to be judiciously made. The surgeon in charge is assisted by Acting Assistant Surgeon Wilson. Camps—the cavalry and artillery camps are well located. The men occupy wall-tents and the camp is pitched in regular camp order. Most of the tents have board floors. Some are warmed by stoves, but most by outside fireplaces. The number of men to a tent is six. The camp is not trenched or drained. Cooking is done by company detail and the appliances appear to be sufficient. The grounds and most of the tents are in a tolerable state of police. The sinks are in tolerable condition. The sick occupy temporarily the post chapel, which will answer very well for a temporary hospital, accommodating about fifteen beds. Several cases of measles have just appeared among the cavalry. Proper measures have been taken for their isolation. The temporary hospital is under the care of Assistant Surgeon ———, of the cavalry. The aggregate strength of the command for December was 1,284; aggregate sick, 156; deaths, 1. Baking—the troops and prisoners are supplied with soft bread baked at the post and of excellent quality. The bake-house and store-rooms are in very good order.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure No. 2.]

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, January 11, 1864.

Lieut. Col. W. S. PIERSON, *Hoffman's Battalion, Comdg. Post:*

COLONEL: I have the honor to request, in accordance with the instructions of the Commissary-General of Prisoners, first, that certain laundry facilities be provided for the prison hospital, viz, a shed for a laundry, which need not be of any great size—say the depth of the hospital building (twenty-eight feet), fifteen feet wide, and ten to twelve feet high, and which might be erected at one end of the hospital building in the form of a lean-to; the furniture to consist of two 60-gallon caldrons, with stoves, washboards, half dozen buckets, and a sufficient supply of line for drying the clothes. Tubs can be readily prepared from pork barrels. Second, that a supply of hospital underclothing be provided, viz, 175 muslin shirts, 175 pair muslin or canton flannel drawers, 150 pair woolen socks; this clothing to be retained in and for the hospital use only. Third, that a sufficient supply of lime and brushes be provided to thoroughly whitewash the interior of the hospital at least once a month. Fourth, some method of ventilating the hospital wards is absolutely necessary; this may be attained to a certain degree and at a nominal expense by cutting two holes in the ceiling of each ward, two feet square, with wooden pipes of the same dimensions leading from them and out of the roof, and then properly covered with a board so arranged as to exclude the weather. Fresh air may be introduced by an opening in the side of the ward and at the level of the floor, twenty-four inches wide and twelve inches high, with a wooden pipe through the ward and opening under the stove, thus warming the air before it enters the room at large. Fifth, during the prevalence of the present severe weather an additional stove should be placed in two of the hospital wards, viz, the one for the reception of patients suffering

from pulmonary diseases and the convalescent ward. Sixth, for the prevention of scurvy in the prison (there are already premonitary signs of it) a large supply of vegetables should be furnished, both in the hospital and prison at large; two rations per week of cabbage or onions should be issued. I would suggest that the whole prison quarters be frequently whitewashed, and that the police details be more strictly kept to the performance of their duty. I would also suggest that an entirely new hospital be erected for the use of the guard. The present one is entirely unfitted for its purpose, both in size and construction.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 11, 1864.

Maj. Gen. W. T. H. BROOKS,
Commanding Department of the Monongahela, Pittsburg, Pa.:

GENERAL: Your letter of the 6th instant, requesting instructions in relation to the confinement of prisoners in the Allegheny penitentiary, is received. It is impossible for me to say how long the prisoners may be retained there. It may be but for a few days, or it may be for months yet, and it will therefore be necessary to make such arrangements for their security and health as will serve for an indefinite period. Some of them having violated the parole which was granted them for their benefit, it is very proper that it should be taken from them, and if they suffer in consequence it is their own fault. But it is advisable that they should have opportunity for as much exercise as their health demands, if it can be conveniently granted, and I would suggest that certain hours be given them in the morning and afternoon, under cover or in the prison yard, and that a guard under an officer be detailed to take charge of them during the time. Visitors to these prisoners should not be admitted without permission from this office—not even in cases of illness, unless there is something very urgent about it.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 11, 1864.

Maj. STEPHEN CABOT,
First Battalion Heavy Artillery Massachusetts Vols.,
Headquarters Fort Warren, Boston Harbor:

MAJOR: Your letter of the 7th instant, asking authority to appropriate a room to the use of prisoners in delicate health, is received. The arrangement you suggest seems to be a very proper one, and you are at liberty to set aside for their use any one or more rooms which are available for that purpose. It has not yet been decided whether the engineer barracks on the parade-ground can be used by the garrison.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

EXECUTIVE DEPARTMENT OF ALABAMA,
Montgomery, January 11, 1864.

His Excellency PRESIDENT DAVIS:

MY DEAR SIR: I have received the inclosed letter, which, though anonymous, is evidently a correct representation of the facts of the matter about which it is written. Gurley was a citizen of Alabama, in the Confederate service, and ought to be protected by the most prompt and stern retaliation. I need only call your attention to the matter to enlist your sympathies and prompt action.

I have the honor to remain, your friend and obedient servant,

T. H. WATTS,
Governor of Alabama.

[First indorsement.]

SECRETARY OF WAR:

Please consider and reply to Governor Watts.

JEFFERSON DAVIS.

[Second indorsement.]

The Department fully appreciates the condition of Captain Gurley and measures have been taken to bring his position to the notice of the Government of the United States. Communications have passed between the commanding general of the Department of Tennessee and Major-General Grant, of the Army of the United States, on the subject, which are on file in the Department. The Department holds itself bound to take every measure in its power to secure the safety of Captain Gurley or to vindicate his memory and its indignity to our Government if his life is taken.

[Inclosure.]

MADISON COUNTY, *December 13, 1863.*

Governor WATTS:

SIR: The inclosed slip in relation to Capt. Frank Gurley was cut from the Cincinnati Daily Commercial. Frank Gurley is well known to the writer of this as an honorable, high-toned gentleman, modest, unassuming, and universally popular both as citizen and soldier. His gallantry as a soldier has been illustrated upon many hotly contested battle-fields and his generosity and humanity as a foe are well known to many of the enemy, and scores of the citizens of Jackson and Madison Counties can bear testimony to the fact.

Captain Gurley volunteered in August or September, 1861, in a cavalry company raised in this county and known as the Kelley Troopers, of which he was elected second lieutenant. The company was attached to Colonel Forrest's regiment and served under General A. S. Johnston in Kentucky. Upon the retreat of the army from Bowling Green, the regiment was ordered to Huntsville in March, 1862. While here Lieutenant Gurley was taken ill with typhoid fever and conveyed to his father's, eighteen miles east of Huntsville. Before his recovery all the country north of the river was occupied by General O. M. Mitchel's forces, and the river itself closely picketed. This was the situation of the country when Gurley had sufficiently recovered to be fit for duty. It being difficult and hazardous in the extreme to attempt to cross the river and join his command, then at Corinth, he collected several of his company who, like himself, were at home on sick leave, and went to work fighting and annoying the enemy on every suitable occasion. Finding his forces too small to do efficient service he obtained an order from General Kirby Smith, then in command of East Tennessee, to

recruit for and organize a full company. This he did and was in command when McCook was killed. A short time prior to that event Captain Hambrick, of Forrest's regiment, joined him with his company, the two commands numbering ninety men, all under the command of Hambrick. Going on a scout in the northern part of this county to gain information of the movements of Buell's army, which was marching from Decatur and Florence to Winchester, they came up unexpectedly with General McCook and escort, some mile or two in advance of his brigade. Captain Hambrick ordered a charge, before which they broke and fled in disorder. General McCook and his aide, Captain Brooke, were riding in an ambulance. This was singled out and pursued by Captains Hambrick and Gurley. When they overtook them Gurley ordered them several times to surrender. Not doing so, he fired, hitting McCook, when the ambulance was stopped. He was carried to the residence of a gentleman in the immediate vicinity, and everything that humanity could do was done for him. Captain Gurley expressed his regret to General McCook at being put to the necessity of firing upon him, and he (McCook) exonerated him from all blame in the matter. This, sir, is a true statement of the killing of McCook and of Captain Gurley's military career up to that time. And it is for this a true and noble gentleman and gallant patriot soldier will doubtless meet a felon's doom at the hands of a remorseless and vindictive foe. I deem it my duty to put you in possession of these facts, but for obvious reasons withhold my name.

[Sub-inclosure.]

(From the Nashville Union, December 2.)

THE MURDERER OF GENERAL ROBERT L. McCOOK.

Frank Gurley, charged with the murder of Brig. Gen. Robert L. McCook, is now in custody, and is ordered for trial before a military commission, assembled by order of General Thomas, consisting of the following officers:

Col. John F. Miller, Twenty-ninth Indiana Volunteers, president; Capt. Jasper Partridge, Forty-fourth Illinois Volunteers; Capt. Thomas J. Rhodes, Sixtieth Illinois Volunteers; Capt. Andrew V. P. Day, Tenth Ohio Volunteer Cavalry; Capt. Albert M. Green, Sixth Kentucky Cavalry; Lieut. H. C. Blackman, Eighth Kansas Volunteers, judge-advocate.

Capt. Hunter Brooke, judge-advocate of the department, who was with General McCook when he was murdered, will be in attendance as a witness.

Colonel Miller, the president of the commission, was, a portion of last year, commander of this post. He is an able administrative officer, and has won distinction on the battle-field. General Thomas made a wise selection in placing him at the head of the commission. His colleagues are all gentlemen of fine abilities, men who have been tried and can be trusted in any sphere of duty.

CIRCULAR.] HEADQUARTERS, *Meridian, January 11, 1864.*

The PAROLED PRISONERS OF THE GARRISONS OF VICKSBURG AND PORT HUDSON:

The following decision of the War Department fixing the liability of paroled prisoners and defining the kind and description of military

service that may be lawfully required of them, is published for their information and benefit:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 18, 1863.

Lieutenant-General POLK, *Commanding Department of Mississippi:*

GENERAL: Your letter of the 24th ultimo was duly received and referred to Major Ould the 7th instant.

The Department has uniformly decided that the formation of a camp of paroled prisoners, the requirement of those prisoners to submit to military control in camp, and the employment of them for the purpose of organization, discipline, and instruction, did not violate the obligation of the parole or the terms of the cartel between the Confederate States and the United States. The letter of Major Ould is inclosed, so that you may see his views.*

With much respect, your obedient servant,

J. A. CAMPBELL,
Assistant Secretary of War.

"RICHMOND, VA., *December 16, 1863.*

"Hon. J. A. CAMPBELL, *Assistant Secretary of War:*

"SIR: In compliance with your indorsement on the accompanying paper, I have the honor to make the following report:

"I think it is very clear that the Government, in ordering paroled men into a paroled camp and retaining them there until they are exchanged, does nothing in any way inconsistent with the provisions of the cartel or the obligations of a military parole. Therefore, it has been the constant practice on both sides, immediately upon the delivery of paroled men, to put them into a paroled camp. The Federals have had as many as 10,000 men at one time in their paroled camp at Annapolis. These men were delivered to the Federal authorities at City Point and thence carried to Annapolis and there kept until exchanged. Our authorities never at any time entertained the idea that such a course was any violation of either cartel or parole. Upon the delivery of our paroled men at City Point they were immediately transferred thence to a paroled camp either at Petersburg or Richmond. I think it equally clear that it is no violation of the cartel or parole to require the paroled men to guard their own stores and camp, or do police duty generally in such camps. In no just sense can they be said to be 'taking up arms' or 'serving as military police.' The language of the cartel is 'serving as military police or constabulary force in any fort, garrison, or field-work held by either of the respective parties.' A paroled camp is in neither category. The other phrase, 'nor as guards of prisons, depots, or stores,' is not inconsistent with the view here taken. A paroled camp is not a 'prison,' and the 'depots and stores' referred to are those which supply troops actually in the field.

"Accordingly, I am quite confident that the practice on both sides, from the beginning, has been to employ the paroled prisoners themselves as the guard and police force of their camps.

"Respectfully, your obedient servant,

"RO. OULD,
"Agent of Exchange."

From the foregoing it is clear—

First. That each Government has the right to establish camps at which to assemble their paroled prisoners, and that in the exercise of that right they have assembled their prisoners at Annapolis and Petersburg, or Richmond, respectively.

Second. That while these prisoners may not be required "to take up arms against the enemy," or "serve as a military police or constabulary force to any fort, garrison, or field-work held by either of the respective parties," nor "act as guards of prisons, depots, or stores" belonging to the general army actually in the field; yet they may be required "to submit to military control in the camp," and may be employed "for the purpose of organization, discipline, and instruction without violating the obligations of the parole or terms of the cartel between the Confederate States and the United States."

* For full text of these letters, see pp. 717, 710, respectively.

Organization, discipline, and instruction involves, necessarily, the use of arms, these being indispensable for purposes of drill, for the enforcement of orders, and for the protection of the subsistence and other stores indispensable for the support of the prisoners themselves.

The lieutenant-general commanding, therefore, hereby orders all paroled prisoners, whether officers or men, belonging to the garrison of Vicksburg or Port Hudson, to report for duty within fifteen days at the paroled camp at Enterprise, or be held and treated as deserters.

By order:

L. POLK,
Lieutenant-General, Commanding, &c.

EXECUTIVE MANSION, *January 12, 1864.*

The SENATE OF THE UNITED STATES:

In accordance with the request of the Senate conveyed in their resolutions of the 16th of December, 1863, desiring any information in my possession relative to the alleged exceptional treatment of Kansas troops when captured by those in rebellion, I have the honor to transmit a communication from the Secretary of War, accompanied by reports from the General-in-Chief of the Army and the Commissary-General of Prisoners, relative to the subject-matter of the resolutions.

ABRAHAM LINCOLN.

[Inclosure.]

WAR DEPARTMENT, *Washington, January 11, 1864.*

The PRESIDENT OF THE UNITED STATES:

SIR: I have the honor to transmit herewith copies of the reports of the General-in-Chief and the Commissary-General of Prisoners, made in response to the resolution of the Senate of the United States of the 16th ultimo, referred by you to this Department, requesting information relative to the treatment of volunteers from the State of Kansas taken prisoners by the rebels.

The resolution is herewith returned.

Very respectully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

[Sub-inclosure No. 1.]

IN THE SENATE OF THE UNITED STATES,
December 16, 1863.

Whereas, it is positively stated by respectable parties, returned prisoners from the rebel States, that the volunteers from the State of Kansas, taken prisoners by the rebels are, and have been since the commencement of the rebellion, invariably put to death, when recognized as such, therefore,

Resolved, That the President of the United States be requested to communicate to Congress any information in his possession on this subject.

Attest:

J. W. FORNEY,
Secretary.

[First indorsement.]

DECEMBER 17, 1863.

Respectfully referred by the President to the Honorable Secretary of War.

JNO. G. NICOLAY,
Private Secretary.

[Second indorsement.]

WAR DEPARTMENT, *December 27, 1863.*

Respectfully referred to the Adjutant-General for report.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Third indorsement.]

ADJUTANT-GENERAL'S OFFICE, *January 4, 1864.*

Respectfully returned to the Secretary of War.

Nothing can be found on the files of this office in relation to the putting to death of Kansas volunteers taken prisoners by the rebels.

Inclosed is the report of the Commissary-General of Prisoners on the subject.

E. D. TOWNSEND,
Assistant Adjutant-General.

[Sub-inclosure No. 2.]

OFFICE OF COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 2, 1864.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

COLONEL: I have the honor to return herewith the two resolutions which accompanied your note of the 30th ultimo.

There is nothing on the records of this office to show the manner in which our wounded and dead soldiers have been treated on the battle-field by the rebels, nor is there anything to show that Kansas volunteers have been put to death on being taken prisoners. Only fifty-eight enlisted men of Kansas regiments can be found on the records as having been delivered on parole by the enemy.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WAR DEPARTMENT, *Washington City, January 12, 1864.*

Maj. Gen. JOHN A. DIX, *Commanding at New York.*

GENERAL: You are directed to investigate the cases of persons arrested and detained in Fort Lafayette and other military prisons in your command (other than prisoners of war) and to detail and organize courts-martial and military commissions for the trial of all persons against whom there shall be any evidence of violating the laws of war, in order that they may have a speedy trial and punishment. Persons against whom no evidence appears, and no reason for their detention, you will please report to this Department, stating when and by what authority they were arrested and your recommendation as to what shall be done in their cases. Your immediate and diligent attention to the execution of this order is requested. You will acknowledge its receipt.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., January 12, 1864.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: Your note addressed to Major-General Hitchcock, in relation to the appointment by the Government of the United States of a commissioner of exchange, is returned.

This Government claims and exercises the power of appointing its own agents to represent its interests, irrespective of any supposed sanction by the Confederate authorities.

No right of declaration of outlawry by those authorities of any officer or soldier of the United States can be admitted or for a moment regarded by the Government of the United States, as it certainly will not be by the persons upon whom such intimidation is attempted.

I am instructed to renew the offer, leaving all other questions in abeyance, to exchange man for man and officer for officer of equal rank actually held in custody by either party, until all prisoners of war so held are thus exchanged. I take leave to express the hope, from humane considerations to those confined as prisoners of war on either side, that this offer will be accepted.

I am further instructed to inform you that unless the flag of truce sent forward under the sanction of the commanding general of this department is recognized and respected by your authorities, all further communication between this Government and the Confederate authorities by flag of truce must cease, however much the loss of its ameliorating influences upon the rigors of what ought to be a civilized warfare is to be regretted; but the responsibility of such determination must be left with those whom you represent.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General Commanding and Commissioner of Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., January 12, 1864.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: It is desirable that a list of all the prisoners held by either belligerents, whether officers or soldiers, should be furnished to each office of exchange, and also a list of all who have died on either side while held as prisoners of war.

It is also desirable that an arrangement should be made by which monthly lists shall be forwarded, as soon as practicable, up to the first of each month, of the persons captured and who have died on both sides.

I am prepared to send forward a list up to the 1st day of December, 1863, and to continue so to furnish, upon condition that you will do the same, monthly lists of prisoners and deaths as above suggested.

I beg to call your attention that your lists already furnished contain the names o only some 123 deaths. Would we could hope that list is correct, but it is impossible.

Please see to it, if this arrangement is made, that we have accurate lists of all the deaths in all the prisons and prisoners' camps wherein our officers or men are held by your authorities, and on our part it is stipulated that the utmost pains shall be taken to make like accurate

lists of the officers and men, both living and dead, who are and have been held by us.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General Commanding and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., January 12, 1864.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: It is reported that you have stipulated, if evidence is produced, that the officers and crews of the steamers Emily and Arrow, captured about May 5, 1863, were in the employ of the Quartermaster's Department when captured, the officers and men can be released from close confinement, in which we are informed they are, and treated as other prisoners of war.

I inclose the evidence of the fact for your information,* and respectfully ask that you will inform me if the officers and crews of such boats can or are to be treated as prisoners of war.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General Commanding and Commissioner of Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., January 12, 1864.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: In compliance with previous arrangements fifteen civilians are sent up for exchange for a like number of civilians held as prisoners by your authorities.

Please receive them, and return the men for whom they are sent forward.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General Commanding and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., January 12, 1864.

Hon. ROBERT OULD,
Commissioner of Exchange, Richmond, Va.:

SIR: Inclosed please find receipt roll and certificate of thirteen men claiming to be master, master's mate, and seamen in the C. S. Navy, captured at Accomac, Va., who were said to be in irons at Fort McHenry, and because of whose confinement certain officers and sailors of the U. S. Navy, in the hands of your authorities, were put in irons in retaliation.

It will be seen in the certificate that they have been received by me at Fort Norfolk, and are therein treated as prisoners of war, and are not in irons. One of the men, captured at the same time, made his escape from Fort McHenry.

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* Inclosure not found.

I need not call your attention to the necessity of striking off the irons from those men whom you hold thus in retaliation.

Please advise me that it is so done that I may inform the friends of the prisoners.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General Commanding and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,

Fort Monroe, Va., January 12, 1864.

Hon. ROBERT OULD,

Confederate Agent of Exchange, Richmond, Va.:

SIR: Will you be so kind as to furnish me with all the information you may be able to obtain concerning William Nelson, now supposed to be a prisoner in your hands?

I am, sir, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner of Exchange.

HEADQUARTERS DEPARTMENT OF THE GULF,

New Orleans, January 13, 1864.

Maj. Gen. W. B. FRANKLIN,

Commanding Nineteenth Army Corps:

GENERAL: By direction of Brigadier-General Stone, chief of staff, &c., I have the honor to forward to you lists of prisoners captured by the command of Major-General Banks from the command of Maj. Gen. R. Taylor, and to be embraced in the terms of a cartel lately executed between Maj. W. M. Levy, commissioner on the part of Major-General Taylor, and myself, on the part of Major-General Banks.

That cartel provides that lists of prisoners shall be furnished by said commissioners, respectively, to each other, and I have the honor to request that you will cause the accompanying lists to be furnished to Major Levy by the first opportunity, under flag of truce, and will receive from Major Levy, in return, the lists of the prisoners to be exchanged for them by Major-General Taylor.

It will be seen that the greater number of prisoners embraced in the accompanying lists have been sent to Fortress Monroe and New York.

Measures have already been taken to procure the return to this department, for exchange, of such of those prisoners as have not already been exchanged or delivered on parole by the authorities to whom they were sent.

You will please communicate this fact to Major Levy, with the lists of prisoners.

I am, general, very respectfully, your most obedient servant,

CHARLES C. DWIGHT,

Colonel, &c.

WASHINGTON, D. C., *January 13, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: The offer of Mr. Silas E. Burrows, by letter to the President of the 31st ultimo, to visit Richmond to effect the liberation of the prisoners of war in rebel hands is very noble, and altogether in character and keeping with the world-wide reputation of Mr. Burrows for benev-

olence and philanthropy, but I apprehend that he overestimates the pliability of the leaders of the rebellion who are in power in Richmond.

The authorities in Richmond have a purpose in view in their distinct refusal to release the prisoners of war in their hands except upon certain declared conditions, and I cannot well conceive how they would concede to the personal influence of an individual, or to his arguments and representations, that which they will not surrender to their sense of the claims of humanity upon them.

It does not appear to me that any individual, however eminent he may be, or whatever relations he may be supposed to have to individuals in the South, can lay before the leaders of the rebellion any considerations of weight with them which they are not already in full possession of.

It is my belief that the rebels at this time are in such straits that they cannot be moved by considerations of mere humanity, which Mr. Burrows would be likely to urge, and I feel quite certain that an individual influence, as already intimated, would be utterly and absolutely disregarded.

The offer to exchange, grade for grade and man for man, with the rebels has been again and again refused, and unless Mr. Burrows can indicate some other proposal as proper to be made, I do not think the public interest would be advanced by accepting his generously proffered services.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General, &c.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 13, 1864.

Hon. ROBERT OULD, *Agent of Exchange, Richmond, Va.:*

SIR: I am instructed by the President to send forward Henry M. Warfield, who proposes to effect a special exchange between Brigadier-General Trimble and Major White. This, of course, will be independent of all other questions between these Governments.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,
Major-General and Commissioner of Exchange.

FORT MONROE, VA., *January 13, 1864.* (Received 5.20 p. m.)

Major-General HITCHCOCK:

I have forwarded Mr. Warfield this morning to exchange Trimble for White. We shall only be spit upon for the offer. Please order all the prisoners of war from Fort Delaware, Fort McHenry, and Capitol prison down to Point Lookout. Am I expected to take them at Baltimore?

BENJ. F. BUTLER,
Major-General.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., January 13, 1864.

Maj. Gen. N. B. FORREST, C. S. Army:

I send, as per agreement, prisoners of war to be exchanged at Hernando.

You will return, if you have them, officer for officer and man for man, the surplus on either side to be released from subsequent captures.

With this exchange I am compelled to close the system. My orders are such that after the conclusion of this transfer I shall not be permitted to receive or deliver prisoners by this irregular mode of exchange.

I take this occasion to acknowledge the courteous tenor of your communications, and remain,

Your obedient servant,

S. A. HURLBUT,
Major-General, U. S. Volunteers, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 13, 1864.

Col. A. J. JOHNSON,
Commanding Depot Prisoners of War, Rock Island, Ill.:

COLONEL: I am directed by the Commissary-General of Prisoners to request that all prisoners of war under your charge may be informed that for the present no more discharges will be granted, but those who do not wish to be sent South for exchange may make application to you to that effect, and you will forward to this office semi-monthly, or oftener, rolls of all such applicants, giving the rank, regiment, and company, when and where captured, and in the column of remarks such other particulars as on examination you may think necessary to a proper understanding of the case. Cases which you may deem of an extraordinary character may be presented separately. No prisoners of war who have made application to be released, or who desire to remain North, will be sent South for exchange, unless under orders from this office.

Very respectfully, your obedient servant,

W. T. HARTZ,
Captain and Assistant Adjutant-General.

(Same to Brig. Gen. N. C. McLean, provost-marshal-general, Department of the Ohio, Cincinnati; Capt. W. C. Thorpe, commanding, Wheeling, W. Va., and Capt. M. Walsh, commanding Fort Wood, Bedloe's Island, New York Harbor.)

WASHINGTON CITY, D. C., *January 14, 1864.*

Maj. Gen. B. F. BUTLER, *Commanding, &c., Fort Monroe:*

SIR: In answer to your telegram of yesterday in reference to the prisoners at Fort Delaware, Fort McHenry, and Capitol prison, I am directed by the Secretary of War to say that he does not wish them sent to Point Lookout at present. Those at Johnson's Island are also detained for the present by his order.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner for Exchange, &c.

GENERAL ORDERS, No. 1.

HDQRS. U. S. FORCES AT SANDUSKY AND JOHNSON'S ISLAND,
Sandusky, Ohio, January 14, 1864.

I. In pursuance of orders from the General-in-Chief of the Army, the brigadier-general commanding the Third Division, Sixth Corps, assumes command of this post and Johnson's Island, and the troops thereat, and the charge of the prisoners of war on the island.

II. The Sixty-fifth and Sixty-seventh Regiments of New York Volunteers, the Twenty-third and Eighty-second Regiments of Pennsylvania Volunteers will be quartered on the island. The division quartermaster is charged with the furnishing of the necessary quarters. The One hundred and twenty-second New York Regiment will be quartered in Sandusky until further orders.

III. Lieutenant-Colonel Pierson, commanding the battalion of infantry now on the island, will continue his administrative duties and his daily military duty in relation to the prisoners of war until further orders.

* * * * * * *

By command of Brigadier-General Terry:

ADAM E. KING,
Captain and Assistant Adjutant-General.

John R. Chambliss and others, House of Representatives [C. S.], ask that it be demanded that General Morgan's officers be treated as other prisoners of war.*

[Indorsement.]

JANUARY 14, 1864.

Respectfully referred to Brigadier-General Winder.

Can some 80 or 100 officers be accommodated in the Salisbury penitentiary in a style corresponding to the treatment ours receive at Columbus, Ohio?

RO. OULD,
Agent of Exchange.

RICHMOND, *January 14, 1864.*

Hon. JAMES A. SEDDON, *Secretary of War:*

In obedience to your request I beg leave to submit the following statement in regard to the extraordinary treatment which I and a large number of the officers of my command have received at the hands of the enemy. After our capture, I and sixty-nine of my officers were carried to Columbus, Ohio, where we were scrubbed, our hair cut very close, and our beards shaved. We were then locked up in cells, where we remained for two days in solitary confinement. After that we were allowed the privilege of walking in the passageway upon which our cells opened, and which was twelve feet wide and about ninety feet long, but we were locked up every day at 4.30 o'clock and released at 7 in the morning.

Our treatment was in all respects that of felons, except that we were not habited in the convict dress. Seventy others of my officers were

* Communication of Chambliss and others not found.

sent to Allegheny City penitentiary, where, as I learned, they received similar treatment. I was informed by General Burnside that this extraordinary treatment was in retaliation for the treatment which my Government had accorded to Colonel Streight and his officers, and that so soon as Colonel Streight and his officers were placed upon the footing of other prisoners of war we would be released and treated accordingly. These are briefly the facts in regard to our treatment, and I would respectfully request that you take such action in the matter as in your discretion you deem necessary and proper.

Very respectfully, your obedient servant,

JNO. H. MORGAN,
Brigadier-General, C. S. Army.

[JANUARY 15, 1864.—For General Orders, No. 6, Headquarters Cavalry Corps, Army of the Potomac, paragraph 11 of which is in following words:

Every guerrilla, or other rebel, wearing the uniform of a U. S. soldier, caught in the act of making war against any of the forces of this command, will be hung on the spot—

and revocation of same April 5, 1864, see Series I, Vol. XXXIII, pp. 383, 806.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 15, 1864.

Col. G. W. KINCAID,
Commanding Military Prison, Alton, Ill.:

COLONEL: Your letter of the 7th instant, reporting that many of the prisoners of war are willing and anxious to enlist in the U. S. service, and calling attention to a class of boys among the prisoners, is received, and in reply I have to ask your attention to the instructions already given as to how and under what circumstances prisoners may be discharged, and these instructions are intended to cover all cases.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 15, 1864.

Hon. Z. B. VANCE, *Governor of North Carolina:*

MY DEAR SIR: The North Carolina troops are within the provisions of the cartel, and are fully entitled to the protection of the Confederate authorities. If any cruelties not warranted by the laws of war are inflicted upon them prompt retaliation will follow. Moreover, as these troops are acting upon your orders, I see nothing to prevent you from retaliating upon any Yankees whom they may capture for any outrages which they may inflict upon your people.

Very respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CHARLESTON, S. C., *January 15, 1864.*

General THOMAS JORDAN, *Chief of Staff:*

GENERAL: While obeying your instructions "to examine and report the condition of the Yankee negro prisoners," I had a conversation with H. P. Estelle, an inmate of the institution, and one apparently well versed in its operations. He stated that the prisoners' rations a day consisted of one pound of rice flour or corn-meal, half an ounce of salt, half an ounce of soap, one pound of beef. On an average of two weeks, the prisoners lose about three rations of their meat in some way; many get only three-quarters of a pound of beef. This is practiced on those who submit, or are afraid to assert their rights. He has seen the commissary send pieces of meat away from the prison by his servant; has bought rice and salt from Colquit, a prisoner. Colquit and one other prisoner weigh rations and act the part of stewards. Estelle said the jailer and turnkey sell things to the prisoners in copartnership. Three small loaves of bread for $1; a plug of common tobacco for $3; and other things at exorbitant prices. He says two-thirds of the men are without blankets; half without a change of clothing; consequently the prison is full of vermin.

I went among the Federal prisoners; they had no blankets; they get one meal in twenty-four hours. In the negro department I saw a few blankets. The jailer said the negroes received the same rations the white prisoners did; that the rations were cooked for the most of them, some few cooked for themselves. The negroes look as if they were poorly fed. I asked one if he got enough to eat; he said he did by working about the office, but the others did not.

A lot of condemned blankets had been sent to prison for the negroes. The floors looked clean; the rooms have an unpleasant smell, especially where the negroes sleep. As a prison the arrangements are shocking. In our present condition, I suppose we cannot do much better, but I do respectfully suggest that the prisoners should have at least straw for beds, and that their rations be cooked and given to them at regular hours. The Yankee prisoners told me that they did not get their food some days until 3 o'clock. It should be the duty of the provost-marshal to make frequent and thorough inspections of the prisons, I respectfully submit.

Very respectfully, your obedient servant,

E. PLINY BRYAN,
Captain and Assistant Adjutant-General.

MEDICAL DIRECTOR'S OFFICE,
Richmond, Va., January 15, 1864.

Hon. J. A. SEDDON,
Secretary of War, C. S. A., Richmond, Va.:

SIR: I respectfully report that many prisoners are men worn down by disease, fatigue, and hardship, and these conditions being aggravated by confinement and the hardships inseparable from prison life, cause the death of many, and others to be totally unfit for the duties of a soldier. I respectfully suggest that all such Federal prisoners as a competent board of examining surgeons report as totally unfit for any military duty and proper cases for discharge from service be paroled and offered to the Federal agent of exchange for return to the North,

and at the same time that application be made for similar privileges for our own soldiers held as prisoners of war in the United States.

Very respectfully, your obedient servant,

WM. A. CARRINGTON,
Medical Director.

FORT MONROE, *January 16, 1864.* (Received 6.20 p. m.)

SECRETARY OF WAR:

Flag-of-truce boat from Richmond arrived. No news of interest of army movements. If you are not coming here, it may be necessary that I see you soon upon exchange business. I think we may have it within our control. Shall I come to Washington for a day, if necessary? Please say to the President that the published copy of Mallory's report is genuine. I will have a copy next boat.

BENJ. F. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington, January 16, 1864.*

Major-General BUTLER, *Fort Monroe:*

It is uncertain when I can leave here. To avoid delay, you will come to Washington if a personal conference is necessary.

EDWIN M. STANTON.

CINCINNATI, OHIO, *January 16, 1864.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have thoroughly inspected McLean Barracks, the only prison at this post where prisoners of war or political prisoners are detained. Lieutenant-Colonel Eastman, First Infantry, commandant of the post, very kindly accompanied me on my inspection and gave immediate orders for the carrying out of the suggestions which I found it necessary to make. McLean Barracks is situated on West Third street, in this city, and consists of a large three-story brick building, formerly used as a German orphan asylum. The first floor is used as quarters and kitchen for the guard, and is in a tolerable state of police. The second floor contains the office and a room about fifteen by twenty by twelve feet in dimensions, for the detention of prisoners. This room has three windows, and is well heated by a large stove. Bunks for twenty-four men are arranged in three tiers around the room. The police is not very good. On this floor is also the prisoners' kitchen, containing a large cooking-stove and an apparatus for heating water. The cooking utensils are sufficient and in very good order, but the general police of the kitchen is bad. The cooking is done by a detail from the prisoners. On the third floor is a large room, about twenty-five by thirty-five by ten feet in dimensions, and which at present contains twenty-seven prisoners. One corner of this room is partitioned off and contains two spies, with ball and chain. The room is well lighted and is warmed by two large stoves. There are no bunks, the prisoners spreading their blankets on the floor. The police of the room is very good. The sink is in the small back yard. It is a deep vault and very foul. The privy building is in a filthy condition. There is an abundant supply of water from the city works. No arrangement is made for the accommodation of the

sick, such being at once removed to the U. S. general hospital. At present there is but one case of illness, and that but slight. A medical officer visits the prison daily to give attention to such as need it. He is said to perform his duties well. There are at present forty-four prisoners, mostly political, confined in this prison. No prison fund has accumulated; merely sufficient being saved to furnish lights and cooking utensils. The suggestions which I found it necessary to make were that the interior of the whole building be whitewashed at least once per month; that it be at once cleaned and purified, and that stricter attention be paid to police.

I leave to-morrow for Louisville, staying at the Galt House, and thence to Indianapolis, staying at the Bates House.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 17, 1864.

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

SIR: I received this morning the inclosed communications from Colonel Spear, commanding the exterior line, near Norfolk.

I reported some time since to the War Department the action of Brigadier-General Wild, to which this is in retaliation. Were this the act of General Pickett simply, I should readily know what course to pursue, but it is evidently the act of the Confederate Government.

Private Jones, Company B, Fifth Ohio Volunteers,* was evidently taken from among the prisoners of war at Richmond and turned over to General Pickett for this purpose; therefore it seems to me to be a subject for the action of the Government, not for the action of a commander of a department.

The strongest evidence that this is the action of the Confederate Government which I have is the fact that we have no Ohio troops in the department upon whom vengeance could have been wreaked in this way.

This action may be as well met now as at any time. Our Government has suffered its officers and soldiers to be outlawed for doing their duty. It has suffered its prisoners to be starved without retaliation, and now hanging is superadded. I state the fact. I do not presume to offer advice.

I have also the honor to inclose a letter from Colonel Hinton to me upon this subject.

I have the honor to be, most respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS U. S. FORCES,
Near Portsmouth, Va., January 16, 1864.

Maj. Gen. B. F. BUTLER,
Commanding Department of Virginia and North Carolina:

GENERAL: Pardon me for addressing you direct in an official communication, but the nature is such that I deemed it prudent to do so and to send the documents by an officer as special messenger.

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* But see Butler to Halleck, January 20, p. 858.

As soon as the information relative to the hanging of the unfortunate man reached me I at first could not believe it, and directed Colonel Smith to send at once and ascertain the truth of the statement, the result of which is conclusive. (See document marked B.)

The body is now in my possession and I shall have it properly buried in my inclosure at 2 o'clock p. m. to-day, unless otherwise instructed by the commanding general.

Relative to the statement of the citizens of Pasquotank County (marked A), most of them are known to me, and those I know to be loyal I have marked (X) in red ink; the balance are what they term here neutral.

The original placard (a copy of which is inclosed) is in my possession subject to your order.

Trusting that my action in the case may meet with approval, and respectfully requesting information relative to the burial of the body by return messenger, I have the honor to remain, with high respect,

Your obedient servant,

SAMUEL P. SPEAR,
Colonel, Commanding Division.

A.

STATE OF NORTH CAROLINA,
Pasquotank County, January 13, 1864.

General GETTY:

DEAR SIR: We, the subscribers, regret to say that there was found this morning a dead man (and still hanging) in our neighborhood. As the inclosed scrip was found pinned to his back, will show you by whom it was done. We have made a suitable box and buried him near the place he was found hung. Should his friends wish to get his body they can get it by applying to any of the subscribers.

We trust that you will not attach any blame to any of the citizens of this neighborhood, as we were entirely ignorant of any of the circumstances until we found the body. From all we can learn he was brought across the Chowan River to this place, and as soon as the men who had him in charge had hung him they went back.

JAMES FORBES.
NEWTON C. JONES.
[AND NINE OTHERS.]

[Inclosure.]

NOTICE.

Here hangs Private Samuel Jones, of Company B, Fifth Ohio Regiment, by order of Major-General Pickett, in retaliation for Private Daniel Bright, of Company L, Sixty-second Georgia Regiment (Colonel Griffin's), hung December 18, 1863, by order of Brigadier-General Wild.

B.

HEADQUARTERS, *Deep Creek, Va., January 16, 1864.*

Col. S. P. SPEAR, *Commanding Division:*

COLONEL: According to instructions, I sent out a company of cavalry under command of Captain Alman; they proceeded to South Mills and sent a detachment of twelve men and a lieutenant to the turnpike gate, where Samuel Jones, of Company B, Fifth Ohio Regiment, was executed. He was hung on Tuesday, the 12th.

One Mr. Williamson, living near by, on Wednesday made a coffin, cut him down, and buried him in the field opposite.

Captain Alman was instructed to bring the remains in, which he has done, and I send them in ambulance to these headquarters for your disposal, also a pair of handcuffs which was taken from his wrists, which are rather ugly things.

Nothing further of interest to report.

Very respectfully, your obedient servant,

M. B. SMITH,
Colonel, Commanding Deep Creek.

[Inclosure No. 2.]

HEADQUARTERS NORTH CAROLINA STATE FORCES,
Murfreesborough, N. C., January 15, 1864.

Maj. Gen. BENJAMIN F. BUTLER, U. S. Army,
Commanding at Fort Monroe:

GENERAL: Inclosed I send you a copy of a letter addressed by Brigadier-General Wild, of the U. S. Army, to Captain Elliott, of the Sixty-sixth Regiment North Carolina State Troops. From the general tenor of the letter, and from the fact that it is addressed to an officer of my command, I am induced to believe that General Wild intended his threat against "guerrillas" to be applied to the officers and men of my command.

The Sixty-eighth Regiment of North Carolina State Troops, which I have the honor to command, was organized under authority obtained from the Governor of the State, and its officers are regularly commissioned by the Governor. With this explanation I desire to know whether it is your purpose to pursue the policy indicated in General Wild's letter to Captain Elliott, in the event you should hereafter capture any of the officers or men of my command, or are they to be recognized and treated as other prisoners of war?

I have captured a goodly number of the officers and men of the U. S. Army and Navy and have uniformly treated them as prisoners of war.

I desire to treat those I may capture hereafter similarly, but as a matter of course, I shall be guided in the future in my treatment to your men by the answer I receive to this letter.

I desire further to call your attention to the fact that the ladies whose names are mentioned in General Wild's letter are, as I am informed, still held in close confinement in the city of Norfolk. I want to know whether it is your purpose to hold these ladies as "hostages" for a soldier legitimately captured?

I shall be pleased to receive a speedy reply to this communication.

Respectfully, your obedient servant,

JAMES W. HINTON,
Colonel, Commanding North Carolina State Forces.

[Sub-inclosure.]

ELIZABETH CITY, *December 17, 1863.*

JOHN T. ELLIOTT, *Captain of Guerrillas:*

SIR: I still hold in custody Mrs. Munden and Mrs. Weeks as hostages for the colored soldier taken by you. As he is treated so shall they be, even to hanging. By this time you know that I am in earnest. Guerrillas are to be treated as pirates. You will never have rest until you renounce your present course or join the regular Confederate Army.

EDWD. A. WILD,
Brigadier-General of Volunteers.

DAVENPORT, *January 18, 1864.*

Col. R. C. WOOD, *Assistant Surgeon-General, U. S. Army:*

DEAR SIR: After several delays and small railroad disasters I arrived at Rock Island yesterday and immediately set about finding out the truth of the reports of suffering among the prisoners. To-day I have visited all the barracks, &c., and hospitals on the island and conversed with most of the officers. The conclusion of my investigations thus far is that the statements of the papers were for the most part untrue or greatly exaggerated. Almost all the suffering that has actually occurred has been in consequence of the transportation of prisoners during the extreme cold weather and from the breaking out of the smallpox among them. There is yet no hospital building large enough to accommodate the sick, but several buildings intended as barracks for prisoners have been used for hospitals and are well adapted to the purpose. The sick all have straw beds and sufficient blankets to keep warm. The stoves and fuel have been obtained from Davenport by purchase out of the prison fund. The vaccine virus sent by Doctor Magruder has been received and was being used with promptitude. It is perhaps desirable that additional medical help be obtained, especially as some of the contract physicians desire to leave at the expiration of the month. Doctor Moxley, surgeon in charge, has or will write you on that subject. It will not, I think, be necessary for me to employ other contract physicians than those already on duty. Medicines are supposed to be on the way from Saint Louis and also hospital supplies. I hope these will arrive as expected and that requisitions made on the purveyor at Louisville will be filled promptly. When these arrive there will be no deficiency. Prisoners are coming in rapidly; about 60 yesterday, 500 to day, and telegrams advising that 1,000 or more are on the way. Others ought not to be sent until these are comfortably provided for. In short, I do not see how the suffering that actually occurred could have been prevented by any agency short of that which sent the unexpected and unprecedented cold weather.

Yours, truly,

N. S. TOWNSHEND,
Medical Inspector, U. S. Army.

P. S.—I omitted to say that two excellent buildings are just finished for smallpox cases away from the other buildings.

Report of inspection of Camp Douglas, Chicago, Ill., made by order of Col. R. C. Wood, assistant surgeon-general, U. S. Army, by Edward D. Kittoe, surgeon, U. S. Volunteers, January 18, 1864.

R. C. WOOD, *Assistant Surgeon-General, U. S. Army:*

SIR: In obedience to your order bearing date January 16, 1864, I proceeded to examine Camp Douglas, at Chicago, Ill., and respectfully submit the following report of my inspection:

I visited Camp Douglas on the 18th of January, 1864. On presenting your order to Colonel De Land, commandant of the camp, he attended me over the premises and afforded me all information required.

The site of Camp Douglas is very objectionable as a depot for troops. The ground is low and flat, rendering drainage imperfect and difficult to be effected. Its proximity to Lake Michigan, and consequent exposure to the cold, damp winds from off this large body of water, with the

flat, marshy character of the soil, must of necessity create a tendency to disease of the respiratory organs, which fact, I think, is clearly demonstrated by reference to reports of disease prevalent during the month of December. At this time the ground is covered with snow and the frost is severe. When the frost gives way and fogs and usual dampness of spring succeed, in conjunction with the surroundings of large cattle yards, slaughter-houses, and other offensive matter usual to the suburbs of large cities, may it not be reasonably expected that disease will assume a low or typhoid type, and, per consequence, the rate of mortality be largely increased? The cases of disease denominated "epidemic catarrh" would, I think, be more appropriately named endemic.

In addition to these objectionable features, in a sanitary point of view, Camp Douglas, as a place of security for the confinement of prisoners, is otherwise illy adapted to the purpose. The nature of the soil is such as to render tunneling (the method of escape which has been most common and successful) easy of accomplishment. The extent of ground occupied renders the employment of a large force necessary to guard the inmates, and, being in the suburbs of the large and populous city of Chicago, notorious for containing numbers of persons in sympathy with the prisoners and with rebellious proclivities, almost certainly prevents the possibility of recapture after escape is once effected.

The barracks occupied by the troops who garrison the camp are for the most part new, well built of lumber, raised sufficiently from the ground, well ventilated and warmed, with good and convenient mess-halls and kitchens. The quarters of the men are well kept, clean, and comfortable. The men's persons are clean, as is also their clothing. The state of discipline appears to be good.

The quality and supply of rations is good, as is also the cooking; the guard-rooms are convenient and comfortable; the supply of water from hydrants is abundant and of good quality.

The sinks, or privies for the use of the troops, are clean and well kept. They are so arranged over the large sewers recently constructed that the "soil box," which receives the ordure, is emptied and thoroughly washed out every twenty-four hours.

The prisoners are quartered in the barracks erected in the autumn of 1861 and winter following for the accommodation of the troops then organizing. These buildings are constructed of boards with the points battened. The floors were never sufficiently elevated to allow the passage of a free current of air beneath, and the ground outside being subsequently raised made the matter still worse. It has been found necessary, to prevent the practice of prisoners tunneling out (to screen which process these floors were admirably adapted) to remove these floors entirely. The consequence is that in the place of dirty boards [there] is a mass of mud and filth. These buildings are 100 feet by 30 feet, into which space is crowded from 125 to 150 men, who are mostly in a filthy and disgusting state and swarming with vermin. They are amply supplied with good and wholesome rations, but the arrangements for cooking are deficient or entirely wanting, and the food is improperly prepared, and much waste prevails. This, together with a great neglect of police duty, is very apparent by the condition of the ground immediately around their quarters.

The barracks and grounds in the northwest square, occupied by Morgan's men, were pre-eminently filthy. In the center square things are in no better condition. The old privies have been removed, and

the sinks have been but imperfectly covered, so that the filth is seeping up through the ground. When there is rain the grounds are flooded with an infusion of this poisonous matter; at least so I was informed by Colonel De Land, who also states that he finds it impossible to make these men observe the ordinary rules of decent cleanliness of person or quarters. There are no kitchens to the barracks in the center square. As a general thing the prisoners are too much crowded. In the southwest square three of these buildings contain 440 men. This overcrowding, together with the disregard of personal cleanliness, must prove a fruitful source of disease.

The hospitals are in good order, well regulated, and clean. No prescription book is kept, but the other books and records are full and complete. The dispensary is neatly ordered and kept, and the supply of medicines is ample, that of luxuries and comforts bountiful. Under the direction and supervision of Surg. A. F. Whelan, First Michigan Sharpshooters, surgeon of the post, a new hospital building is in course of erection and approaching completion. It is a frame building, boarded perpendicularly with inch stuff, having the joints battened, lathed, and plastered inside. It will contain four wards, each 28 by 100 feet, 13 feet high, well ventilated and lighted, with bath-rooms, lavatories, and privies conveniently arranged. It will contain also rooms for surgeon, matron, nurses, and attendants, kitchen, dining-hall, and closets, plans of which are appended.

The garrison at this camp is composed of the First Regiment of Michigan Sharpshooters, Colonel De Land (who is commander of the post), having an aggregate of 812; six companies of the Eighth Regiment Invalid Corps, Colonel Sweet, with an aggregate present of 447; six companies of the Fifteenth Regiment Invalid Corps, Colonel Strong, with an aggregate present of 409. The aggregate present and absent of officers and men is 1,783. Aggregate of strength present, 1,595; number of sick in garrison, 275, which is about 7½ per cent. of the command.

During the month of December there were in Federal hospital 516 cases of disease with six deaths, giving the ratio of mortality of about 11½ per 1,000 per month. Of this number of sick there were 17 cases of measles, 24 of mumps, 34 of pneumonia, and 96 of epidemic (?) catarrh. This presents 130 cases of disease of the respiratory organs, being a ratio of 25⅕ per cent. of the whole number of sick in the hospital during the month.

There is at this time 5,616 prisoners in this camp, of whom 225 are sick in hospital.

The total sick in hospital during the month of December last past was 2,011, with 57 deaths, a ratio of 28 per 1,000. The disease most prevalent among the prisoners is camp diarrhea, arising, doubtless, from badly cooked food and extreme filthiness of person and quarters.

Of the sick in hospital during December there were, of measles, 134 cases; mumps, 168; pneumonia, 84; epidemic (?) catarrh, 233; showing 317 cases of disease strictly of the respiratory organs, which gives 15½ per cent. of the whole number of those treated in hospital.

It will be observed that the number of cases of disease of the respiratory apparatus among the prisoners is very great, but the proportion to the whole among the Federal occupants of the camp is over 10 per cent. greater, the cause of which is manifestly owing to the greater exposure of these men while doing guard duty mounted on the top of a high fence, exposed to the full sweep of the cold and damp winds blowing directly from the lake with unobstructed force.

I believe that the facts thus brought to your notice fully justify the opinion advanced that the site and surroundings of this camp are of such a nature as to render it highly objectionable and unfit for the use to which it has been appropriated, and that it would be exceedingly difficult to overcome the obstacles in the way of proper drainage, even at a large expenditure of money were that the only objection; there are, however, other important objections which neither money nor art can remove or obviate.

Trusting that this report may meet your approbation,

I have the honor to be, very respectfully, your obedient servant,

EDW. D. KITTOE,
Surgeon, U. S. Volunteers.

[Indorsement.]

HDQRS. MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tenn., February 17, 1864.

Respectfully forwarded to Headquarters of the Army, Washington, D. C., and special attention invited to the statements in relation to Camp Douglas.

U. S. GRANT,
Major-General.

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Near Sandusky, Ohio, January 18, 1864.

Capt. ADAM E. KING, *Assistant Adjutant-General:*

CAPTAIN: I have the honor to acknowledge the receipt of General Orders, No. 1, announcing that in pursuance of orders of the General-in-Chief of the Army that Brigadier-General Terry, commanding the Third Division, Sixth Corps, assumes command of this post and Johnson's Island and the troops thereat, and the charge of the prisoners of war on the island. In being relieved from my command I beg to report that by the order of Col. William Hoffman, Third Infantry, U. S. Army, Commissary-General of Prisoners, I assumed command of this depot at its establishment and have continued in uninterrupted command for the period of two years on the 1st of January instant. The whole number of prisoners received has been 6,416, of which there have been exchanged 2,983; discharged on oath of allegiance, parole, and otherwise, 302; transferred to other prisons, 363; deaths, 149; shot dead by sentinel, 1; executed, 3; escaped, 3; present at this time, 2,612.

I have the honor to be, very respectfully, your obedient servant,

WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion

QUARTERMASTER'S OFFICE, C. S. MILITARY PRISONS,
Richmond, Va., January 18, 1864.

Capt. J. WARNER,
Actg. Asst. Com. of Subsistence and Asst. Quartermaster,
C. S. Military Prisons:

CAPTAIN: I received from Captain Forbes, assistant commissary of subsistence, 3,000 pounds of salt beef on the 14th instant; 3,000 pounds

of salt beef on the 15th instant; 16th, 17th, and 18th instant no beef or substitute thereof furnished for prison subsistence.

I am, captain, your obedient servant,

SAML. BURNHAM,
Commissary-Sergeant.

To the best of my knowledge and belief the above is the signature of Samuel Burnham.

JNO. H. WINDER,
Brigadier-General.

Statement of clothing issued to Federal prisoners of war at Richmond, Va., by a committee of officers of the U. S. Army, from November 10, 1863, to January 18, 1864.

	Number of men.	Shoes.	Socks.	Drawers.	Pants.	Blouses.	Shirts.	Greatcoats.	Blankets.	Caps.
Belle Isle	7,568	3,173	4,189	3,446	2,597	2,629	3,336	3,730	4,946	2,479
Smith Factory Prison	802	502	748	726	311	354	489	35	745	378
Scott's Factory Prison	2,173	832	1,460	1,581	1,057	1,056	1,433	719	1,261	1,178
Crew's Factory Prison	944	54	692	670	299	284	452	365	482	279
Pemberton Factory Prison	1,421	357	1,152	1,083	490	396	874	1,014	392	398
Hospital No. 21	560	13	387	344	168	123	316	248	186	91
Hospital No. 22	354	3	194	195	116	86	190	225	142	109
Hospital No. 23	339	.....	182	149	87	56	133	223	117	74
Total enlisted men	14,161	4,934	9,004	8,194	5,125	4,984	7,223	6,559	8,371	4,986
Libby Prison (officers)	.....	9	35	32	335	151	53	374	116	42
Total issued	14,161	4,943	9,039	8,226	5,450	5,135	7,276	6,933	8,487	5,028
Transferred by Capt. C. McRae Selph, C. S. Army, to—										
Danville, Va.	.....	2,500	2,000	1,800	1,850	2,500	2,400	700	2,094	2,000
Atlanta, Ga.	.....	.....	75	50	75	60	60	.....	68	30
Columbia, S. C.	.....	.....	15	15	15	16	16	15	16	12
	.....	2,500	2,090	1,865	1,940	2,576	2,476	715	2,178	2,042
On hand not issued	.....	.....	11	137	.....	.....	203	.....	.....	400

NOTE.—Haversacks issued, 5,000; canteens issued, 2,991.

In the annexed* statement of clothing issued the "number of men" entered in the first column is the number of names on the sheets on which the issues were recorded. This does not indicate correctly the number of men in the different prisons, as all the prisoners from the Smith Factory Prison and a large number from the Scott Factory Prison were sent to Danville after the issue was made to them, and changes were constantly going on in the other prisons. Nor does the aggregate entered in this column indicate correctly the number of prisoners to which clothing has been issued. Prisoners were being transferred from Belle Isle and other prisons to the hospitals and returned from there to the prisons while the distribution of clothing was in progress. The same names would therefore frequently be entered on one or more sheets.

The accompanying sheet, being a copy of a portion of the sheet† on which the issue to squad No. 21 on Belle Isle is recorded, will show the manner in which the issue was made.

The annexed* statement covers all issues of clothing made by the Commission, whether furnished by the United States Government, the

* Foregoing. † Omitted.

State of Indiana, or contributed by the Sanitary or Christian Commission. The committee also distributed the towels, handkerchiefs, reading matter, stationery, and housewives furnished by the Sanitary and Christian Commissions. The hospitals were first supplied with these articles and the remainder distributed in the other prisons.

J. F. BOYD,
Lieutenant-Colonel and Quartermaster, U. S. Army.
A. VON SCHRADER,
Lieut. Col. and Acting Inspector-General, Fourteenth Army Corps.
H. B. HUNTER,
Lieutenant-Colonel 123d Ohio Volunteer Infantry.
JAMES M. SANDERSON,
Lieutenant-Colonel and Commissary of Subsistence.
J. W. CHAMBERLIN,
Captain, 123d Ohio Volunteer Infantry.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 19, 1864.

Brig. Gen. H. D. TERRY,
Commanding Depot Prisoners of War, Sandusky, Ohio:

GENERAL: The instructions heretofore communicated to the commanding officer of the post contemplated the presence of a much smaller force as the guard than is now assembled there under your command, and this changed state of things makes it proper to modify the instructions somewhat to meet the necessities which the change produces. Heretofore the commanding officer has been to a great extent the executive officer of the post, and the guard being small, this arrangement was attended with no inconvenience; but with the large force under your command it will be necessary that you should appoint a colonel, to have the immediate control of the prisoners of war, as at this time, who should perform all the duties now performed by Lieutenant-Colonel Pierson, but making his report through you, and not direct to this office. Col. C. W. Hill, of the One hundred and twenty-eighth Ohio, whose regiment has been specially raised for service at the depot, will report for duty in a few days, and I respectfully suggest that he with his regiment be placed in the immediate charge of the depot, making it a command distinct from your brigade.

In the month of November, to provide against a threatened effort to liberate the prisoners, a large force was assembled at the depot, part of which now remains there, viz, the four companies Twelfth Ohio Cavalry, company Twenty-fourth Ohio Light Artillery and a battery each of 240 light artillerymen, assigned as heavy artillery. As your brigade, with the One hundred and twenty-eighth Ohio Volunteers, will form an ample guard for the security of the depot, and as it will be difficult to supply so large a force on the island during the winter, I would respectfully suggest that it would be advisable to recommend a return of the above-named detachments to the stations from which they were ordered.

From a report just received of an inspection of the depot made by Surgeon Clark, acting medical inspector of prisons, I learn that the police of the prison is in a very unsatisfactory condition, and I respectfully call your attention to the matter, with the request that you will now give the necessary orders to insure that a proper state of police shall be preserved throughout the prison. The prisoners must

do their own policing, and as they are all officers it will require careful management to accomplish the object without exciting a spirit of insubordination and resistance. Full instructions have been given to the commander of the depot for the management and a safe custody of the prisoners, all of which you will find on file in his office.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

P. S.—On further reflection I would advise your retaining one battery of artillery at the depot as part of the guard.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, January 19, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington City, D. C.:

COLONEL: In obedience to your telegram of the 15th instant I have the honor to herewith transmit a detailed report in each case of the shooting of five prisoners of war at Camp Chase, Ohio. I took the statement of Lieutenant-Colonel Poten, assistant commandant of prisons, in the cases occurring in the months of November and December last, as the best evidence in those cases, the officers of the Fifteenth Regiment Invalid Corps having been transferred to Chicago, Ill.

I am, colonel, very respectfully, your most obedient,

WM. WALLACE,
Fifteenth Ohio Volunteers, Commanding.

[Inclosure No. 1.]

OFFICE OF MILITARY PRISONS,
Camp Chase, Ohio, January 17, 1864.

Col. W. WALLACE, *Commanding Camp Chase:*

COLONEL: According to your order received I have the honor to make the following statement: On the night of December 19, 1863, between the hours of 10 and 12 p. m., I was ascending the stairs of the parapet round prison No. 2, when I heard the discharge of a musket. Inspecting the different sentinels around the parapet, I came to a man, Private F. Allen, Twelfth Regiment Ohio Volunteer Cavalry, who told me that he had ordered, in a loud voice, the persons in mess No. 10, prison 1, to extinguish the light inside, but not being obeyed, after repeated calls, he fired off his piece into the building and wounded one man in the arm, named Henry Hupman, Twentieth Virginia Cavalry, Company E. He was put directly under treatment of the surgeon in charge of the prison hospital, but whilst amputating his arm, several days afterward, he died. As sad as this case may be, to wound a perhaps innocent man, by a soldier who obeys his order, it has proved to be a most excellent lesson, very much needed in that prison—No. 1—as the rebel officers confined in that prison showed frequently before a disposition to disobey the orders given to them by our men on duty. They have since changed their minds and obey.

I am, colonel, yours, very respectfully,

A. H. POTEN,
Lieut. Col. Seventh Regiment Invalid Corps, Asst. Comdt. of Prison.

[Inclosure No. 2.]

OFFICE OF MILITARY PRISONS,
Camp Chase, Ohio, January 17, 1864.

Col. W. WALLACE,
Commanding Post, Camp Chase, Ohio:

COLONEL: Pursuant to your order I make the following statement: In the months of November and December, 1863, frequent reports were received from the prison stewards and from detectives employed inside the prison that a conspiracy existed among the prisoners, in connection with Vallandigham sympathizers outside, to overpower the guard and break out. In many places they were undermining the wall; arms were found in their possession; their mutinous conduct was increasing to such an extent that the guard had to be increased every night, and the order "lights out" after tattoo renewed. William L. Pope, private, Ninth Tennessee Cavalry, Company A, was shot in presence of Capt. William Smith, of the Fifteenth Invalid Corps, officer of the day, Lieut. I. S. Taylor, provost-marshal of prison, and myself, assistant commandant of prison, whilst inspecting the guards together, on or about November 5, 1863, between the hours of 8 and 10 p. m. Standing about six feet outside the gate of prison No. 2, I heard distinctly the sentinel, H. Wilson, Company A, Fifteenth Regiment Invalid Corps, stationed above the gate on the parapet, call out twice to a man inside to go back to his quarters and not approach the wall. About a few moments afterward the sentinel called again: "Go back, or I shoot you." He then fired, and the man Pope was shot, and died a few hours afterward. Since then the inmates of prison No. 2 have been quite orderly.

Yours, very respectfully,

A. H. POTEN,
Lieut. Col. Seventh Regiment Invalid Corps, Asst. Comdt. of Prison.

[Inclosure No. 3.]

OFFICE OF MILITARY PRISONS,
Camp Chase, Ohio, January 17, 1864.

Col. W. WALLACE, *Commanding Camp Chase:*

COLONEL: Pursuant to your order I now make my second statement. The inmates of the different buildings on the extreme western part of prison No. 3 had been warned frequently before not to keep a light burning after tattoo, as especially in these quarters they had been found digging; notwithstanding, the windows in mess 49 were illuminated again in the night of November 16, 1863, between the hours of 10 and 12 p. m.

The sentinel on the parapet close by (John White, of Company E, Fifteenth Regiment Invalid Corps) called several times, at that time, to extinguish the light, so distinctly that it was heard by other sentinels on the farther end of the parapet. His order not being obeyed, he fired his piece into the building and killed Hamilton McCarroll, Welcker's Tennessee cavalry, Company B. Since then no more digging has been carried on in prison No. 3, the lights have been extinguished at the proper time, and the prisoners obey the orders now in every respect satisfactorily.

Yours, very respectfully,

A. H. POTEN,
Lieut. Col. Seventh Regiment Invalid Corps, Asst. Comdt. of Prison.

[Inclosure No. 4.]

CAMP CHASE, OHIO, *January 16, 1864.*

Lieut. W. A. MCGREW, *Post Adjutant:*

SIR: I have the honor at your request to make the following statement of the shooting of a rebel prisoner confined in prison No. 2, at this post, on the night of the 17th of September, 1863. While on a tour among the guards around the prison, Private Moody, Company C, Eighty-eighth Ohio Volunteer Infantry, complained that the prisoners would not obey his commands to keep away from the fence and from behind the sink, which were standing orders for guards. He had repeatedly ordered them away, to which order they paid not the least attention. I instructed him to keep them ten feet from the fence and from behind the sink; to order them distinctly three times, and if not obeyed to shoot into them. Some ten or fifteen moments after this Samuel Lawley, private, Nineteenth Virginia Cavalry, went behind the sink against distinct orders from Private Moody and consequently was shot.

I have the honor to submit the above as a statement of the transaction.

Very respectfully, &c.,

THOMAS REBER,

Second Lieut. Company H, Eighty-eighth Ohio Vol. Infantry.

[Inclosure No. 5.]

CAMP CHASE, OHIO, *January 17, 1864.*

Lieut. W. A. MCGREW, *Post Adjutant:*

SIR: I have the honor to state, in reply to yours of this date, in regard to the shooting of William Jones, a citizen prisoner confined in prison No. 2, at this post: I was on duty as officer of the day on or about the 1st of November, 1862. On visiting the above-named prison I was informed by the officer of the guard that there was quite a stir in prison No. 2, and he feared there would be some demonstration on the part of the prisoners to make their escape. I visited the guards and became satisfied there was something more than usual going on in the prison. I used every means to prevent surprise. About 11 p. m. the sentinels gave the alarm and every man was on duty. I discovered the plan was to get up a general fight in the north end of the prison while some of them made their escape at the south end of the prison. The sentinels ordered them to their quarters, which was not obeyed. One of the sentinels discharged his gun at the main crowd. One William Jones was hit by a buckshot in the neck and instantly killed. One other prisoner was wounded in the head (not serious). Order was immediately restored after the gun was discharged. I made a written report of all the circumstances connected with the case at the time to Major Zinn, then post commandant.

Adjutant, I am, very respectfully, your obedient servant,

C. E. SAUSSER,

First Lieutenant, Eighty-eighth Ohio Volunteer Infantry.

WASHINGTON, D. C., *January 19, 1864.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

SIR: Mr. Wetmore, of the commission examining hospitals and prisons, reports to me this morning that there are several cases of small-

pox in the Old Capitol Prison. Perhaps you know the danger and may already have taken the proper steps in the matter, but I have thought proper to make this report.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General, &c.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, January 20, 1864.

Respectfully referred to Brigadier-General Martindale, military governor.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
January 21, 1864.

Respectfully referred to surgeon in charge of Old Capitol Prison, through Surg. R. O. Abbott, medical director, for report.

By command of Brigadier-General Martindale:

JOHN P. SHERBURNE,
Assistant Adjutant-General.

[Third indorsement.]

MEDICAL DIRECTOR'S OFFICE,
January 23, 1864.

Respectfully returned with report of Acting Assistant Surgeon Ford, U. S. Army, medical officer in charge of Old Capitol Prison.

R. O. ABBOTT,
Surgeon, U. S. Army, Medical Director Dept. of Washington.

[Fourth indorsement.]

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
January 26, 1864.

Respectfully returned to Colonel Hoffman, Commissary-General of Prisoners, with report inclosed.

By command of Brigadier-General Martindale:

JOHN P. SHERBURNE,
Assistant Adjutant-General.

[Inclosure to third indorsement.]

OLD CAPITOL PRISON,
Washington, D. C., January 22, 1864.

Surg. R. O. ABBOTT, U. S. Army,
Medical Director Department of Washington:

SIR: I have the honor to report that cases of smallpox appear every day or two, but as soon as discovered they are sent to Kalorama Hospital. I visit the prison several times a day, and have taken every precaution to prevent the spreading of the disease. I have the honor to inform you that there was but one case of smallpox in the prison on the day that several were reported to General Hitchcock, and that case was removed to Kalorama Hospital the same day.

Very respectfully, your obedient servant,

C. M. FORD,
Acting Assistant Surgeon, U. S. Army, in Charge.

ALTON MILITARY PRISON, *January 19, 1864.*

Lieut. Col. C. W. MARSH,
Acting Provost-Marshal-General, Department of the Missouri:

SIR: I find in the prison here continued efforts being made daily by prisoners to effect an escape. They are so numerous and crowded that detection is almost impossible by the ordinary guard. Their plans are deeply laid and well concerted. The duty here is very onerous upon my regiment, and I thought that if we could procure the services of a few skilled detectives I could fathom whatever plot might be existing among the prisoners. You can hardly imagine the wonderful ingenuity resorted to, and I must therefore resort to others outside of my command to detect the schemes. Can you not furnish me for a few days some suitable men?

Your obedient servant,

WM. WEER,
Colonel, Commanding.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 20, 1864.

Maj. Gen. H. W. HALLECK, *General-in-Chief:*

SIR: Since making my report of the execution of a U. S. soldier in Pasquotank County, N. C., by order of the rebel General Pickett, I have learned the following additional facts:

The enemy were mistaken both in the name and regiment of the deceased.

His name is Samuel Jordan, Company D, Fifth U. S. Colored Troops, captured from that regiment on General Wild's late expedition into North Carolina, and is the person for whom General Wild holds two women as hostages, as mentioned in his report, which I have had the honor to forward to the War Department.

The mistake of the enemy probably arose from the fact that the Fifth U. S. Colored, having been raised in Ohio, is familiarly called by the men "Fifth Ohio."

May I ask specific instructions from the commanding general upon this subject?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 20, 1864.

Maj. Gen. B. F. BUTLER,
Comdg. Dept. of Virginia and N. Carolina, Fort Monroe, Va.:

SIR: A paper was sent Brigadier-General Meredith, commissioner of exchange, on the 9th of December, 1863, for report in relation to the case of Mrs. Henrietta Boate, whose husband, Edward W. Boate, Company K, Forty-second New York Volunteers, is a prisoner at Belle Isle, Va., and said to be in a dying state.

Your attention is invited to this case to ascertain the latest information respecting this soldier, and report the same to this Department.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, January 20, 1864.

HON. ROBERT OULD, *Commissioner of Exchange, Richmond:*

MY DEAR SIR: Your long-promised letter in regard to transmitting funds to the North Carolina prisoners not having come to hand I inclose you herewith a letter to Governor Seymour, of New York, covering three bills of exchange on A. Collie & Co., London—two for £500 each, and one of £200—which please transmit to its destination if practicable. Without your advice this was the best plan I could fix upon. Please have a receipt from the officer receiving it.

Very respectfully, your obedient servant,

Z. B. VANCE.

[Inclosure.]

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, January 20, 1864.

His Excellency HORATIO SEYMOUR,
Governor of New York:

SIR: There are quite a number of soldiers of this State, prisoners of war in the United States, confined principally within your State. I learn that they are suffering greatly for want of winter clothing, and that the regulations of your Government do not forbid their purchasing if they had the means. Presuming upon your known humanity, I have ventured to inclose to you by flag of truce three sterling bills of exchange, drawn by Theo. Andrea upon Messrs. A. Collie & Co., 17 Leadenhall street, London, amounting to £1,200, which I desire you will have expended in the purchase of the most necessary clothing for the prisoners of war from North Carolina in whatever prison confined. I presume at the quoted rates of exchange the bills will produce nearly $9,000. In venturing to ask you to take so much trouble upon your hands I feel sure that the suggestion of humanity and the common courtesy existing between honest enemies will be a sufficient apology. I can but hope you will accept the trouble, and that you will not hesitate to allow me an opportunity of reciprocating your kindness should it become possible for me to do so.

I am, sir, with proper respect, your obedient servant,

Z. B. VANCE.

HEADQUARTERS SIXTEENTH ARMY CORPS,
Memphis, Tenn., January 20, 1864.

Brigadier-General CHALMERS, C. S. Army:

SIR: No further exchanges will be allowed. I have instructed Maj. D. J. Benner, aide-de-camp, to receive the two officers and forty-two privates mentioned in your last favor.

The excess in our favor can be settled for by the same officer and delivered hereafter.

Your obedient servant,

S. A. HURLBUT,
Major-General, Commanding.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 20, 1864.

Maj. Gen. E. A. HITCHCOCK, *Agent of Exchange:*

SIR: It has been represented to the Confederate authorities that Capt. George Dusky was taken prisoner in July, 1863, in Roane County,

W. Va., and has since been kept in close confinement on charges of robbing the mail, treason, and murder. It is stated that a portion of the time he was kept in irons. At the time of his capture he was a captain in our service and held such a commission at the time of his alleged offenses. Capt. George Dusky is now at Wheeling. If he is not treated as a prisoner of war an officer of like rank will be selected for similar treatment. I will thank you to inform me whether he is regarded as a prisoner of war.

Respectfully, &c.,

RO. OULD,
Agent, &c.

HEADQUARTERS POST OF CHICAGO,
Chicago, Ill., January 20, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington City, D. C.:

COLONEL: In pursuance of the order of the Secretary of War communicated to me by your letter of January 2, 1864, I have the honor to report that I have investigated the circumstances attending the escape of prisoners of war from Camp Douglas on the 2d day of December, 1863. The escape was effected by means of a tunnel dug by the prisoners extending from the barracks in which they were quartered beyond the fence inclosing the camp. The construction of the barracks and the large number of prisoners necessarily quartered in each barrack make the efforts at tunneling very difficult to detect. In the case investigated the prisoners commenced operations by opening a place through a bunk on the lower tier of bunks, and then passed along under the floor of the barracks on a line running lengthwise with the barrack to a point in the end of the barrack distant from where they first entered through the bottom of the bunk. At this point they started a tunnel running at right angles with the barrack (the barrack being nearly parallel with the high fence inclosing the camp), the distance from the barrack to the fence being about forty feet. The earth taken from the tunnel was pressed in under the floor of the barracks between the timbers on which the floor rested. The barracks are built close to the ground and there was no means of ascertaining what was going on under the floor of the barracks except by taking up some boards and sending men under the floors to grope and feel about. On the 2d day of December, 1863, Hooker A. De Land, captain Company F, First Michigan Sharpshooters, was officer of the day. Lieutenant Briggs, Company A, Eighth Regiment Invalid Corps, was officer of the division of the guard where the escape happened. On the outside of the fence (beyond which the tunnel reached) a patrol was placed. This patrol about 9 p. m. discovered the mouth of this tunnel and a prisoner of war in the act of coming out. He seized the escaping prisoner and then learned of the prior escape of a large number of other prisoners. The night is said to have been very dark and in every way favorable to the escaping prisoners. Pursuit was made and all diligence used to recapture the prisoners. A large number were retaken.

The non-commissioned officer on duty in the square whence the escape was made belonged to a detachment of the Ninth Vermont troops, which has since been sent forward to join the regiment, so that I have not been able to see and hear him concerning the matter. From my own experience and knowledge of the camp I do not feel that I can censure any

one for this escape. The camp is very badly arranged for the custody of prisoners of war. There are so many persons who have access to the camp, from the necessity of the case, that secret intercourse with prisoners of war is sometimes kept up, notwithstanding the utmost vigilance.

I have the honor to report further that I have been compelled to institute many reforms in the camp, chief of which is the removal of the prisoners' barracks from the southeast corner of the camp to the west side of the camp, by which I get all the prisoners together in one part of the camp. Heretofore they have been so divided up as to make the guard duty nearly double what it ought to be and also to make it difficult to prevent access to and communication with the prisoners of war by unauthorized persons. I have the honor further to state that a prisoner of war, once beyond the camp lines, finds in this city so many active friends and sympathizers as to render his recapture almost impossible. Among the necessary changes in the barracks to guard against tunneling the floors of all barracks where tunneling has been detected have been taken up and filled in with sand. In conclusion, I may be permitted to state that, if I were not thoroughly familiar with the arrangements of the camp and barracks, and did not know so well their defects, I might attribute the escape to want of proper vigilance on the part of the officers in command, but under the circumstances and from the investigation I have made, I am satisfied that lack of vigilance on the part of the officers has been no ingredient in the means used to make the escape.

I have the honor to be, colonel, your obedient servant,

WM. W. ORME,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 20, 1864.

Brig. Gen. H. D. TERRY,
Commanding Sandusky Depot, Sandusky, Ohio:

Please see that rolls called for in my letter of the 5th instant to Lieutenant-Colonel Pierson are completed, and be ready for the movement of prisoners when ordered. An ordinary roll of each party will be required for this office. Please reply.

W. HOFFMAN,
Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 20, 1864.

WARD H. LAMON, Esq.,
U. S. Marshal for the District of Columbia, Washington, D. C.:

SIR: I am informed by E. C. Carrington, U. S. district attorney, that by an order from the U. S. court of this District $52.30 in U. S. Treasury notes and $50 in gold, belonging to D. T. Chandler, and $36 in U. S. Treasury notes and $207 in gold, belonging to W. D. Cassin, will be placed in your hands by the assistant treasurer of the United States to be paid to me, and I beg to inform you that it will be agreeable to me to receive said money whenever it suits your convenience.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. ARMY OF NORTHERN VIRGINIA, *January 20, 1864.*

Brig. Gen. J. D. IMBODEN, *Commanding, &c.:*

GENERAL: I have been informed that you have in arrest a citizen of Hardy County named Michael Yoakum, who is charged with outrages committed upon the persons and property of some of our citizens of that county, and that you propose trying him before a court-martial. I am also informed that a writ of habeas corpus has been sued out by Yoakum, to which you have made return claiming jurisdiction over the case. You have the power to afford immediate protection to our citizens against threatened or attempted violence, but where an offense has been committed by one not in the military service of the United States or our own you have no jurisdiction to try the offender by a court-martial. You can arrest and deliver him to the civil authorities, who alone are competent to try him. If the facts of this case be such as I have represented them above I desire that you will surrender the accused to the civil authorities, in obedience to the writ, to be disposed of by the court having jurisdiction.

Very respectfully, your obedient servant,

R. E. LEE,
General.

SPECIAL ORDERS, No. 31. } WAR DEPT., ADJT. GENERAL'S OFFICE, *Washington, January 21, 1864.*

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12. Judge [J. C.] King and Judge Hugh Lennox Bond, of Maryland, appointed commissioners in paragraph 36, Special Orders, No. 13, of January 9, 1864, from this office, will also hear and determine the cases of state prisoners who have been confined at Fort McHenry by orders from the general commanding Middle Department; the instructions heretofore given the said commissioners will apply in the present instance. The commanding officers of the Middle Department and of Fort McHenry will give them every facility in prosecuting their duties.

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By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, *Chattanooga, January 21, 1864.*

General JOSEPH E. JOHNSTON,
Commanding Army of Confederate States, Dalton, Ga.:

GENERAL: Learning that you now have at Atlanta fifty wounded Federal soldiers, captured at the battle of Chickamauga, September 19 and 20, 1863, I propose an exchange of these men for a like number of your men (wounded) now in our hands, the exchange to be complete and final and to be effected at any point between the lines of the two armies you may prefer, both parties to be accompanied by full lists.

Very respectfully,

GEORGE H. THOMAS,
Major-General of U. S. Volunteers, Commanding.

CONFEDERATE STATES OF AMERICA, EXECUTIVE DEPT.,
Richmond, Va., January 21, 1864.

Honorable SECRETARY OF WAR:

SIR: I have the honor, by the President's direction, to forward for your attention and the proper action the following copy of resolutions of the House of Representatives of this date:

Resolved, That pending the suspension of exchange of prisoners of war it is the duty of Congress to give expression to their sympathies for the brave citizen soldiers who have by the fortune of war been consigned to a foreign prison; and that every effort made by the President to alleviate their condition and supply their necessities will meet the cordial concurrence of Congress.

Resolved, That until the enemy shall consent to renew the exchange of prisoners under the cartel the Congress will cheerfully make all necessary appropriations for supplying the wants of our fellow-citizens now in the hands of the enemy.

Resolved, That, in the opinion of Congress, it is advisable to endeavor to make an agreement with the enemy for permitting the prisoners on each side to be attended by a proper number of their own surgeons; to be mutually permitted, under rules to be established, to take charge of the health and comfort of the prisoners, and also to act as commissaries of prisons, with power to receive and distribute among the prisoners all contributions made by their friends or by the respective Governments of articles of food, clothing, and medicine.

Resolved, That the President be respectfully requested to communicate to Congress the present state of the question pending between the two Governments relative to the exchange of prisoners.

Very respectfully, your obedient servant,
BURTON N. HARRISON,
Private Secretary.

WASHINGTON, D. C., *January 22, 1864.*

Dr. FRANCIS LIEBER, *New York:*

DEAR SIR: In General Orders, No. 100, of 1863, section 3, paragraph 76, it is announced as a part of the law of war that prisoners of war "may be required to work for the benefit of the captors' Government, according to their rank and condition."

While at Chattanooga, where the population was thin, the army overtasked with building of bridges, roads, rebuilding railroads, and all the labors attending the repair of the communication destroyed by the rebel army, I advised the employment of some 6,000 prisoners taken in battles of Chattanooga upon public work, such as repairing the railroads which the troops from which the prisoners were captured had deliberately labored to destroy, the handling of freight, forage, rations in course of transportation to our own soldiers and to the distressed inhabitants of the country, and for the use of these very prisoners. I found the practice sanctioned by the authoritative declaration of military law of General Orders, No. 100, and had I been [in] command should have acted under it without reference to Washington for instructions. The only objections I heard urged against it at Chattanooga were the trouble of taking care of them, a trouble now only transferred to another place, and the fear of retaliation upon our men captives to the rebels. As in my own person I should much prefer labor with ax or spade or pick to rotting in idleness and sloth in prison, this had no weight with me. Labor was much needed. Warmer covering, warmer clothing, more abundant food, must be supplied these prisoners transferred to the rigorous winter climate of Chicago or Rock Island. The cost of transportation to that depot and thence to Richmond is very great. If kept near Chattanooga the time

would arrive when they would be released at that place. Full fed in idleness, without exercise or mental occupation, disease will decimate them. To repair the railroads they had destroyed and to build the bridges needed in the Department of the Cumberland I have been obliged to hire in the North and East over 2,000 able-bodied men at high prices and transport them to the Department of the Cumberland, with promise of return transportation to their homes at expense of the United States. Thus expediency, efficiency, economy, and humanity appeared to me to unite in favor of the employment of these men on the public work. It was decided, however, by higher authority to be "inexpedient." I am not arguing against that decision. The prisoners have been sent North. The able bodied mechanics and laborers to do their proper work have been hired and transmitted South. But I am convinced that, should the war continue, the policy of working prisoners of war must be finally adopted, and that public opinion will become so well instructed on this subject as to compel an advance in the true direction. The popular mind is agitated with the question of military water communication between the Atlantic and Mississippi. We feed, clothe, and shelter 40,000 rebels rotting in idleness, with no prospect of release by exchange. Why not give them a new lease of life by employing them upon this or some other such national work intended to strengthen the bonds of that Union which they have striven to destroy?

I write this for the purpose of inviting your attention to a matter which appears to me of great importance, and I would be under obligations to you for any historical precedents showing the custom or law of war on this subject in Europe. I understand that prisoners of war in France were employed by Napoleon on public work. Have not the prisoners of Mexico sent to French colonies within the past two years been so employed?

M. C. MEIGS,
Quartermaster-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 22, 1864.

Maj. Gen. S. A. HURLBUT, *Commanding, Memphis, Tenn.:*

GENERAL: In a recent report made to the Surgeon-General by Medical Inspector J. E. Summers, U. S. Army, he represents the prison at Memphis in a very bad condition and so much out of repair that in case of cold weather the prisoners must suffer very much. Colonel Summers recommends that the repairs be completed as soon as possible and that bunks be put up in the lower rooms, and I respectfully request you will order his recommendation carried out. I have the honor to inclose herewith copies of regulations issued from this office by authority from the War Department for the guidance of officers in charge of prisoners.* They should have been furnished before, but I have learned only through the report of Colonel Summers that there is a prison at Memphis containing some 200 rebel prisoners. I have no supervision over Federal prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* See Vol. IV, this series, p. 152.

LOUISVILLE, KY., *January 22, 1864.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a thorough inspection of the U. S. military prison at this place, a detailed report of which I herewith inclose, together with a copy of a communication addressed to Capt. S. E. Jones, assistant provost-marshal-general Department of Kentucky. Captain Jones states that it is necessary to increase the barrack room at the prison. If additional buildings are erected within the present inclosure it will altogether overcrowd a place already too full for the health of its occupants. The proximity of other buildings prevents the extension of the present inclosure. In view of this fact Captain Jones suggested that a new hospital be erected on a vacant lot opposite the prison, and that the present hospital building be converted into barracks, which can be done at a nominal expense, and thus give an additional capacity of 125 to 150, or, on emergency, as high as 200. On consideration I deemed the suggestion a wise one, and accordingly gave the directions shown in the inclosed communication. I hope my course will meet your approval. I leave to-morrow for Indianapolis, staying while there at the Bates House; thence to Chicago, staying at the Tremont House.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure No. 1.]

Report of inspection of U. S. military prison and hospital at Louisville, Ky., January 20–21, 1864, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—U. S military prison. Commander of camp—Captain Pratt, Twenty-fifth Michigan Volunteers. Command and strength—present number of prisoners, prisoners of war, 250; Federal prisoners, 55; total, 305. Location of camp—corner Tenth street and Broadway. Water—source and supply, city water-works; frozen for ten days, leaving prison without water. Water—quality and effects, good. Fuel—coal. Soil—clay and sand. Drainage—sufficient in ordinary weather, but at present frozen and ineffective. Drains are to be enlarged. Topography—ground flat, but elevated about two feet above street; easily drained. Police of camp—not as well attended to as should be, though much is to be excused on account of the late severe weather. Discipline in camp—not very strict. Tents or huts, position—barracks, center and north side of prison inclosure. Tents or huts, pattern and quality—one story, in a tolerable state of repair. Tents or huts, ventilation and removal—no ventilation except by doors and side windows, which are utterly insufficient. Tents or huts, sufficiency—for about 300 prisoners. Tents or huts, heating—sufficient in ordinary weather, by stoves. Sinks, construction—excavated, not removed since last inspection. Sinks, condition and position—filthy, and offensive at a distance, too near barracks, insufficient in size and number. Sinks, management—not well attended to, not properly disinfected. Removal of offal, &c.—not effectual. Previous use of camp—vacant lot. Rations—abundant and of good quality. Cooking in camp—by contrabands, apparently well done, though kitchen is insufficient in size; utensils in good order, but insufficient. Inspection of food—daily, by officer of

the day. Portable ovens—bread of excellent quality and baked at prison. Vegetables—sufficient in quantity and quality. Cleanliness of men and of clothing—very foul, owing of late to want of water. Quality and quantity of clothing—good and sufficient, mostly contributed, condemned United States. Blankets—sufficient; prison, from quartermaster's department; hospital, quartermaster's and medical departments. Condition of men—generally filthy.

Hospital buildings—two wards, with kitchen, dining-room, dispensary and office, each ward 59 by 19 by 10 feet, giving total capacity about 22,420 cubic feet; each ward has a bath and wash room and privy. Hospital police—tolerably good. Hospital discipline—not strict. Hospital diet and cooking—sufficient, apparently well done by contrabands paid from hospital fund. Hospital heat and ventilation—sufficient, by three stoves in each ward; ventilation utterly insufficient. Hospital capacity—32 beds, allowing 700 cubic feet to each; present number of beds, 80; number of sick, 51 Confederate, 6 Federal. State of medical supplies and surgical instruments—sufficient and in good order. State of hospital records—not properly or well kept, much falling off since last inspection. State of hospital fund—$42.25, chiefly expended for articles of diet, table furniture, and police utensils. Medical attendance—sufficient, one surgeon, one assistant surgeon. Nursing—by convalescents. Interments—by quartermaster. Diseases prevalent—pneumonia, remittent and typho-malarial fever. Diseases, zymotic—six cases of smallpox have occurred; promptly sent to pest-house of general hospital. Diseases, mitigation and prevention of—vaccination properly attended to, proper medical care given, but hospital is ill-placed, ill-ventilated, and overcrowded. Wounds and operations, recoveries from disease, recoveries from wounds, mortality from diseases, mortality from wounds, military history—total number of sick, December, 1863, 144; deaths, 17; percentage of mortality, 11.80. This large percentage is due to the fact that a large number of Longstreet's men were received in so wretched a condition that many died within a few hours after entering the hospital.

Medical officers—John C. Welch, Twentieth Kentucky Volunteers, surgeon in charge; P. N. Norton, Twentieth Kentucky Volunteers, assistant surgeon.

Remarks concerning character and skill: The surgeon in charge is not apparently wanting in professional skill, but lacks executive ability.

Prison fund, $4,243.15.

The few cases of smallpox which have occurred were promptly removed and all precautions against a recurrence of the disease have been taken. Every man about the prison has been vaccinated, and revaccinated when necessary, and all fresh arrivals undergo the same. It is proposed to remove the hospital from the prison inclosure, a step which will prove of great benefit to the general efficiency of the hospital, as well as afford increased barrack room for prisoners.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure No. 2.]

LOUISVILLE, KY., *January 21, 1864.*

Captain JONES, *Louisville, Ky.:*

CAPTAIN: I am authorized by the Commissary-General of Prisoners where additional hospital accommodations are necessary at a prison post to direct them to be built, the cost to be paid from the prison fund, observing a due regard to economy, in view of the non-permanency of the prisons. At the military prison in this city the hospital is very

poorly located, as regards facilities for ventilation, &c., owing to the close proximity of the barracks. It is also represented that it will be necessary to increase the barrack room of the prison, thus still further crowding the prison inclosure, and creating a strong necessity for the removal of the hospital therefrom. You have suggested, and I think wisely, that a new hospital be built outside the prison inclosure, and the present hospital building be converted into barracks. In accordance with this suggestion you will please erect a building for hospital purposes on the ground proposed (opposite the present inclosure). Its size should be sufficient to accommodate seventy-five patients, in two wards, with the necessary offices, bath, and wash rooms. The wards should be so constructed as to allow each patient at least 800 cubic feet of air. To this end their dimensions should be 100 by 25 by 10 feet, with about four feet pitch of roof, giving a capacity for thirty-eight beds to each ward. A bath and wash room should be added to the rear of each ward. The sinks, one for each ward, should be entirely distinct from the wards, separated by at least twenty-five feet. The wards should be ventilated from the ridge, with openings for the supply of fresh air in the sides of the buildings, leading under the floor and opening beneath the stoves. If it does not add too greatly to the cost the walls of the wards should be plastered instead of ceiled. The whole interior of the building should be frequently whitewashed, at least once a month. The frequent use of some effective disinfectant is very necessary, both in hospital and barracks. For this purpose the Ridgewood disinfectant powder has been approved as the most efficient by the medical inspector-general. You will please purchase from the prison fund two barrels of the same for trial, addressing Ridgewood Manufacturing Company, Harlem, N. Y. If it proves as effectual as represented additional supplies can be obtained as needed. Please to direct that observations be noted as to the comparative effectiveness and cheapness of this agent.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

WASHINGTON, D. C., *January 23, 1864.*

Maj. Gen. B. F. BUTLER, *Commanding, Fort Monroe:*

SIR: I received this morning under one envelope a number of papers from the other side, seven of which appear to have passed under your eye; eleven are without any evidence of it. Not one of the eighteen bears evidence of having been addressed to yourself by the rebel agent. Some are referred to General Meredith and some to myself.

I have just reported the facts to the Secretary of War, whose wish is that nothing shall be done to compromise the right of the Government to appoint its own agents for intercourse with the rebels, and he authorizes me to hold the papers in reserve until I can learn your personal wishes on the subject. If it is your desire these papers (mostly inquiries about rebel prisoners supposed to be in our hands) will be sent to you, to be returned, if you think proper, to Mr. Ould, under a notification that they will [be] received when properly addressed to yourself.

You will doubtless consider the effect of any particular decision you may make upon our power to send papers over the lines ourselves.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers, Commissioner for Exchange, &c.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 23, 1864.

Col. WILLIAM WALLACE, *Commanding, Columbus, Ohio:*

COLONEL: I have received a copy of the report of Lieut. Col. L. Humphreys, medical inspector, made to the Surgeon-General, of an inspection of Camp Chase, in which he states that cases have occurred of the wounding of prisoners at night by the guard when they neither were sent to the hospital nor received medical treatment until the next morning. Such treatment of prisoners, whatever may be the necessity for wounding them, is barbarous and without possible excuse, and I trust you will give such orders as will certainly prevent the recurrence of such outrages. He reports also that there is great neglect of cleanliness in the persons of the prisoners in their barracks and disgracefully so in their sinks. They have nothing to do but police themselves and their quarters and grounds, and it is inexcusable in the officer in charge to allow this duty to be so grossly neglected. The sinks should be covered and inclosed and the earth should be banked up around them to prevent the surface water from running into them. It is not expected a very perfect condition of things can be arrived at, but by proper attention on the part of officers in charge a more creditable state than now exists can be had. I must depend more upon the energy and intelligence of the commander of the camp for the proper discipline and police than any instructions I can give him.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

Mrs. Rachel Mark states the condition of her husband who was a prisoner and because of sickness and to save his life gave his parole not to take up arms against United States. If taken again will be hung. Prays therefore that he be released from his parole.

[Indorsement.]

JANUARY 23, 1864.

Respectfully returned to the Secretary of War.

This is one of many similar cases. The enemy seeks to destroy our power of raising armies by forcing oaths upon non-combatants. Such a proceeding is without precedent amongst civilized nations. Our authority over the persons who take such oaths is supreme. A military parole given by a soldier not to take up arms until he is exchanged is to be respected, but when a non-combatant is compelled by imprisonment or other duress to subscribe an oath in conflict with his allegiance such oath is unlawful and void. I do not think the enemy will dare to inflict any peculiar pains and penalties on a party giving such an oath, if he is captured. Even if this were not so the Government is bound to claim and enforce its sovereignty.

RO. OULD,
Agent of Exchange.

NEW YORK, *January 24, 1864.*

General M. C. MEIGS, &c., *Washington, D. C.:*

DEAR SIR: You have treated, in your favor of the 22d, paragraph 76 of General Orders, No. 100, of 1863, so completely that I shall hardly be

able to add anything of value. I recollect very well that when first the idea of giving the substance of that paragraph occurred to me I hesitated again, fearing to write down something wholly superfluous. Still, I thought of the unmeasured arrogance of our enemy—one of the motive elements of this whole war—how he pretended to lay down the most extravagant and immoral things as law for us, and I recollected an article in an Alabama journal, in which the editor called upon his authorities not to forget to send with all the troops a sufficient number of negroes to do working business, for, said he, our soldiers are all gentlemen, every one of them. I thought of all this and concluded to put down paragraph 76. It appears from your letter that I did right. Prisoners of war are universally set to work, whenever work can be found for them. If a besieged commander happens to have prisoners and is not obliged to drive them out of the fortress for want of food, it is they, before all others, who are used to repair the fortifications, to clear the streets, &c., and I have not the least hesitation in saying that a European commander who should be proved to have neglected to use prisoners for such work or for repairing bridges or railways or for fetching supplies (communication and food being quite as important as fortifications; Frederick the Great used to say: "Armies march on their bellies") would be cashiered. But the thing could never happen. Prisoners of war, however, are not only used for military work; they are set to work to do anything for which the captor can conveniently use them. The captor feeds them and clothes them and their time belongs to him. Prussian prisoners were used by Napoleon I to work on the unfinished great canals of France. Some of them used to tell me how anxious they were to be drafted for this canal work, because it gave them better food and clothing than they received in the churches or other buildings where they were huddled together and died like flies. Prussian officers frequently commanded these prisoners in the digging work. I have known officers or other educated prisoners being used for writing, &c. Of course, if they objected they could not well be forced to do such work, but then it would not have been to their advantage to do so. The liberty of the street would probably have been taken from them. I have seen French prisoners of war working as blacksmiths, &c., in making artillery or commissary wagons, &c. Perhaps a little allowance was given them; I do not know. They worked cheerfully, too. I repeat, the prisoner of war is universally put to work, if work can be found, and I think my memory does not deceive me when I say that sometimes private individuals have hired so many hundred prisoners from the Government for some great work; nay, I think the Russian Government distributed a number of French prisoners of war among the landowners, to do the work of the men who had been taken away from agriculture for the war. I speak of the war of 1810 and 1811. I think I am right, and am quite sure that it would always be done when found expedient. I recollect single French prisoners taken into service of private individuals, the Government thus getting rid of feeding them. I recollect having seen it stated in the papers that the French had used Mexican prisoners for work in their colonies. Whether this is a fact I do not know, but I do know that if they have not done so it was from no idea of delicacy or incompatibleness with the usages of war. The French are no super-refined philosophers in war. If, then, it is the universal usage of war to make prisoners work, and thus reimburse in part the expenditure they cause, the only remaining question for me in drawing up the little code was—Is there any reason of honor or humanity why this usage should be

stopped? There is none whatever. The prisoner is better off for working than rotting in idleness, and if he be put to dangerous or unhealthy work, which, nevertheless, must be done, will any one say that the captor is obliged to expose his own men to the danger, rather than the enemy. I have, of course, nothing to do with the question of expediency. Expediency must be judged of in each single case on its own peculiar grounds. As a general thing, I say, as every one else will say, that it is very expedient indeed to make prisoners work and not to waste the capital that is embodied in thousands of lusty hands. I do not know whether our 50,000 prisoners are very lusty hands. The mass of Southern common people are, physically, worth very little, but work and strong food would greatly improve them.

Permit me, general, to add here that so far from my having indulged in harsh rules in the code, I have received numerous letters expressing great satisfaction at my having taken an elevated point of honor and morality. Mr. Mittermaier, one of the first jurists and publicists of the age, thanked me in very warm and flattering terms, that I had succeeded in circumscribing the military lawlessness of generals "of which we have known and suffered so much." Mittermaier is near eighty years and lives in Baden; he lived therefore on the very ground over which the overwhelming tides of the Napoleonic era flowed to and fro. I speak frankly to you, general, if I confess that I have written this whole letter in the consciousness that were an old European warrior looking over my shoulder he would smile at the idea that any one can have doubted the right and bounden duty of the captor to make use of prisoners of war. If the enemy has complained of your using prisoners to repair railways at Chattanooga, it produces on my mind an effect somewhat similar to that produced by the complaint of Soubise after his rout at Rossbach, that Frederick had attacked him at an hour so early that no French soldier could possibly have finished his hair-powder toilette. The rebel complaint, however, would be more arrogant or insolent. The French complaint was simply entertaining—a good subject for Punch. If I have left out anything which I ought to have touched upon let me know it and I will reply to the best of my ability. I have no secretary. May I beg you to keep this letter, so that, should occasion arise, I might refer to it. Or can some young epaulette make a copy of it?

I am, with great regard, your obedient servant,

FRANCIS LIEBER.

I must state to you as an inquiring officer a fact with which my correspondence arising out of code has made me acquainted, although wholly unconnected with the topic of the letter. In the wars between France and Prussia preceding that of 1813–1815 a treaty was made between the belligerents during the war that each power should pay half pay to the captured officers on its hands, the sums thus spent to be balanced in the treaty of peace whenever it should be concluded. You will allow this to be an item very remarkable in its way.

Translation.

The only canal which Bonaparte finished is that of Saint Quentin, which contains the largest known tunnel. He prosecuted other canals, commenced by his predecessors, but did not finish any of them. As to the labor of prisoners of war applied to these works my memory leaves me in doubt on the subject. After the Italian campaign in 1859 the

Austrian prisoners of war sent to Africa were hired to the French colonists. I myself have made requisitions for them.

CLUSERET,
General.

P. S.—After I had finished my letter to you I received this note from General Cluseret, in our service. I made his acquaintance last night; introduced the subject of prisoners of war and the canals, the dates of which were not quite present to my mind. He promised to furnish me with the date. You will find on page 1, in the passage marked "an interesting corroboration of what I have stated," not that I approve of sending prisoners to distant colonies, or, as Russia did in 1811, to Siberia, where many French prisoners remained.

F. L.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., January 24, 1864.

All prisoners heretofore held by the Confederate authorities, whether civilians, officers, or soldiers, received at City Point before the 20th instant from the Confederate commissioner are declared exchanged.

BENJ. F. BUTLER,
Major-General, Commanding, and Commissioner of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 24, 1864.

Maj. Gen. E. A. HITCHCOCK, *Agent of Exchange:*

SIR: The proposal borne by Henry M. Warfield, esq., for the special exchange of General Trimble for Major White is respectfully declined. It is due to Mr. Warfield that I should state he has made most strenuous efforts to accomplish the object of his visit. If the Confederate Government were not committed against the principle of special exchanges he would not have been unsuccessful. Major White will be cheerfully released for an equivalent of his own rank just as soon as the Federal Government agrees to release all of our prisoners on the terms of the cartel. Until then we must decline special exchanges, unless there are circumstances attending them which very clearly take them out of the general rule.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 24, 1864.

Maj. Gen. E. A. HITCHCOCK, *Agent of Exchange:*

SIR: In view of the present difficulties attending the exchange and release of prisoners I propose that all such on each side shall be attended by a proper number of their own surgeons, who, under rules to be established, shall be permitted to take charge of their health and comfort. I also propose that these surgeons shall act as commissaries, with power to receive and distribute such contributions of money, food, and clothing and medicines as may be forwarded for the relief of the

prisoners. I further propose that these surgeons shall be selected by their own Government, and that they shall have full liberty at any and all times through the agents of exchange to make reports not only of their own acts, but of any matters relating to the welfare of the prisoners.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

[Indorsement.]

WAR DEPARTMENT, *February 24, 1864.*

Respectfully returned to the commissioner for exchange.
The Secretary of War declines to entertain Mr. Ould's proposition.

ED. R. S. CANBY,
Brigadier-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 24, 1864.

Maj. Gen. E. A. HITCHCOCK, *Agent of Exchange:*

SIR: I will thank you to inform me for what reasons Dr. William S. Wright is detained in prison. He was arrested in Saint Louis in February last, thence carried to Alton, and late in last year removed to Saint Louis, where he is now confined. Doctor Wright is a surgeon in our service and is entitled to his release.

Respectfully, your obedient servant.

RO. OULD,
Agent of Exchange.

G. B. Wallace and other citizen prisoners at Point Lookout give an account of their treatment and ask to be exchanged.*

[Indorsement.]

JANUARY 24, 1864.

Respectfully referred to General E. A. Hitchcock, agent of exchange.
I will thank General Hitchcock to inform me why these citizens of Virginia are detained in prison without charges.

RO. OULD,
Agent of Exchange.

WASHINGTON, *January 25, 1864—12.25 p. m.*

Major-General BUTLER, *Fort Monroe:*

You will please suspend your order† declaring exchanges, and not allow it to be published or issued until the reason and operation of it is explained to this Department and approved.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *January 25, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: Having seen the declaration of exchange announced by General Butler of all Federal prisoners of war delivered at City Point prior

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*Communication not found. † See January 24, p. 871.

to the 20th instant, I think proper to state that I have no knowledge of the particular grounds upon which the declaration was made, and as no list of prisoners is referred to, the individuals thus set free from the obligations of their parole may be exposed to serious inconvenience, if not danger, in case of being recaptured by the enemy.

Indeed, I am quite at a loss to understand upon what authority this declaration has been made, unless General Butler assumes to follow the example of Mr. Ould and make *ex parte* declarations without that conference and mutual understanding between the respective agents of exchange which, as I suppose, should always precede such declarations, and which, prior to the unauthorized declarations of Mr. Ould in September last, did lay at the foundation of such publications of exchanges.

The declaration by General Butler does not purport to be in conformity with the cartel; and if the cartel is considered as obsolete, then General Butler has no authority to make exchanges except by mutual agreement between himself and some opposing commander in the field.

The intercourse of belligerents, apart from open violence in the field, is always a matter of great delicacy, and cannot prosper except when both parties act upon some common principles of justice recognized by both; and nothing can tend to embarrass intercourse under flags of truce so much as an assumption by one party to decide a disputed point upon a judgment not submitted to the other party for remark.

In my opinion the step taken by General Butler should at least have had the sanction of the War Department prior to its announcement, and I therefore feel bound by a sense of duty to the laws of war to observe that those laws seem to me to require that the order or declaration of exchange in question should be revoked or suspended until some principles for mutual exchange can be agreed upon.

The whole of the present difficulties on the subject of exchange have grown out of arbitrary departures from the cartel on the other side, and we unavoidably countenance their proceedings when we follow their example.

It may be unfortunate that we have a number—possibly 1,200 or 1,500—of our men on parole within our lines not to take arms until exchanged, but if we undertake to put these men in arms into the field without being duly exchanged according to the laws of war, we inevitably give the enemy the very pretext he wants to force upon our acceptance as prisoners of war in exchange his unauthorized guerrilla captures of non-combatants.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, &c.

NOTE.—The Secretary of War revoked General Butler's order before seeing me or hearing a word from me about it.

E. A. HITCHCOCK.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 25, 1864.

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: There have been delivered for special exchange or otherwise since last September by the Confederate authorities at City Point a number of officers and men amounting to about 750 men, including the 500 delivered to me on the 26th of December. There has been no declaration of exchange of any prisoners since September, and all these

prisoners, by the cartel, as I understand, are waiting to be declared exchanged in the parole camps or elsewhere.

Upon looking over the course of the officer of exchange in this matter I find that from time to time declarations of exchange have been made, and therefore I propose to declare all prisoners held by the Confederates and delivered by their agent at City Point to our agent of exchange up to this date exchanged.

The operation of that declaration, as I understand it, will be only to allow those who have been in fact exchanged and delivered to us as such to be put in the service instead of remaining at the parole camps or at home.

I should have asked instructions upon the matter had I not supposed that this was simply in the course of official business. It will and can have no operation upon any pending question, or any other force than simply to release the men already exchanged and allow them to be sent into the Army of the United States.

Trusting that you will approve this and will announce your approval by telegram,

I am, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

SPECIAL ORDERS, } HDQRS. DEPT. OF VA. AND N. CAROLINA,
No. 25. } *Fort Monroe, January 25, 1864.*

* * * * * * *

II. Brig. Gen. S. A. Meredith is hereby relieved from duty in this department and will report in person to the Adjutant-General at Washington for further orders. He will before leaving turn over to Col. J. W. Shaffer, chief of staff, all books, orders, and papers of any kind relating in any way to the duties concerning the exchange of prisoners.

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By command of Major-General Butler:

R. S. DAVIS,
Major and Assistant Adjutant-General.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 25, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please give me what information you can concerning the whereabouts of Thomas H. Pendleton, Company E, Eighty-fifth Illinois Volunteers, captured at the battle of Chickamauga?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding, and Commissioner of Exchange.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 25, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to return the accompanying papers* for more definite information as to the whereabouts of the parties inquired for.

*Not found with Confederate records and not otherwise identified.

as the indorsement merely states that they are not in prison in Richmond, which is but a vague reply to send to their surviving and anxious friends. I trust you will endeavor more fully to inform me where these men are, if in the hands of your authorities.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General, Commanding, and Commissioner of Exchange.

OFFICE COMMISSIONER OF EXCHANGE,
Fort Monroe, Va., January 25, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please give me what information you can concerning the present condition of Nicholas H. Thompson, Company A, Thirteenth Ohio Regulars [*sic*], and Calvin W. Hudson, Company D, Sixty-fifth Ohio Volunteer Infantry, prisoners of war in Richmond?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General, Commanding, and Commissioner of Exchange.

HDQRS. THIRD DIVISION, DEPT. OF WEST VIRGINIA,
Charleston, W. Va., January 25, 1864.

The COMMANDER OF CONFEDERATE FORCES IN S. W. VIRGINIA:

SIR: I send by flag of truce to your lines by the Lewisburg turnpike a Mr. C. W. Maupin, who has been detained at the military prison at Charleston as a hostage for Mr. Shaw, sheriff of Putnam County, in the State of West Virginia, who was taken from his home in Putnam County and conveyed as a prisoner to some place within the Confederate lines. Mr. Maupin leaves here under a pledge to procure the release of Sheriff Shaw. He is bound by oath to give no military information, and also to return to the custody of the U. S. authorities at Charleston unless he shall procure the release and return of Sheriff Shaw within twenty days from this date. The capture of Mr. Shaw cannot, I think, have been authorized by you. His detention can serve no end, save that of provoking retaliation upon such civilians as may sympathize with his captors, and who, but for such useless acts, would be permitted to remain in tranquillity.

I have the honor to be, very respectfully, &c.,

E. P. SCAMMON,

Brigadier-General, Commanding Division.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 25, 1864.

General D. H. RUCKER,
Chief Depot Quartermaster, Washington, D. C.:

GENERAL: By direction of the Secretary of War I have to request you will make arrangements for the transportation of 3,000 troops and prisoners from Sandusky, Ohio, via Pittsburg, Pa., to Baltimore. It is desired that the movement should commence the day after to-morrow. Passenger cars will be required, which should be provided with a good

supply of water and be well lighted at night. It should be stipulated in the contract that they will leave Sandusky between 10 a. m. and 1 p. m. in trains carrying about 600 men, and arrive at Baltimore before 12 m. the second day after, making about forty-eight hours on the route. The trains will leave at intervals of forty-eight hours.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

SURGEON-GENERAL'S OFFICE, *Raleigh, January 25, 1864.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: The Governor of this State is anxious to obtain permission for me to visit the North by flag of truce for the purpose of making proper arrangements for the clothing of our prisoners. Permit me to express the hope that the proposition may meet with your approval and that the necessary steps may be taken to obtain the consent of the Federal authorities.

Very respectfully, your obedient servant,

EDWARD WARREN,

Surgeon-General of North Carolina.

[First indorsement.]

JANUARY 30, 1864.

Colonel Ould for consideration and report or conference.

J. A. SEDDON.

[Second indorsement.]

FEBRUARY 1, 1864.

Respectfully returned to the Secretary of War.

I have asked the consent of the Federal Government that surgeons might be allowed reciprocally to attend prisoners. Please see accompanying letter.*

RO. OULD,

Agent of Exchange.

[Third indorsement.]

Let Doctor Warren be informed that application has been made which will include his case.

J. A. SEDDON.

OFFICE OF EXCHANGE OF PRISONERS,

Richmond, Va., January 25, 1864.

His Excellency Z. B. VANCE, *Governor of North Carolina:*

SIR: I have the honor to acknowledge receipt of yours of 20th instant inclosing a letter to Governor Seymour, of New York, covering three bills of exchange on A. Collie & Co., London, two for £500 each and one for £200. The letter and drafts shall be forwarded by the first flag-of-truce boat. Receipts for these drafts will be given by the Federal agent of exchange and forwarded to you. As advised in my letter of the 23d instant you were informed by telegraph and letter that the plan "was the most advisable to furnish clothing to the troops from

*See January 24, p. 871.

your State now held as prisoners of war by the enemy. We have the assurance of the Federal authorities that clothing will be promptly delivered when sent to our prisoners, or they will be permitted to receive the funds and make the purchases there."

Very respectfully, your obedient servant,

W. H. HATCH,
Captain and Assistant Adjutant-General.

FORT MONROE, *January 26, 1864.*

The President, ABRAHAM LINCOLN:

Your dispatch was received. All executions have been stayed until further orders from you.

BENJ. F. BUTLER,
Major-General, Commanding.

IN THE SENATE OF THE UNITED STATES,
January 26, 1864.

Resolved, That the President of the United States be, and he is hereby, requested, if not in his opinion incompatible with the public interest, to furnish the Senate with a copy of all the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners and the different propositions connected with that subject.

Attest: JNO. W. FORNEY,
Secretary.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 26, 1864.

Lieut. W. J. MUNDEN and Mr. PENDER WEEKS:

MESSRS: In answer to your application in regard to your wives held as hostages by General Wild for the treatment of his colored soldier, Samuel Jordan, of the Fifth U. S. Colored, upon a full examination I have determined—

First. That as no difference was made between Jordan and Daniel Bright on account of color, one being hanged in retaliation for the other by the rebel authorities, the case presupposed by General Wild when the hostages were taken in the persons of these women, that some different treatment would be meted out to his soldiers because of his color not having arisen, the order given by him for execution of the women in retaliation will be revoked.

Second. I will return the women to Northwest Landing with a copy of this note, as direction to the officer there that upon your placing yourselves in his hands in their stead, to be treated as prisoners of war unless some outrage not justified by civilized warfare is perpetrated by the men of your commands, the two women, Mrs. W. J. Munden and Mrs. Pender Weeks, will be delivered to their friends.

I take leave to assure you that nothing has been done to them to annoy, insult, or injure them, except the detention, as I have no doubt they will inform you when you see them.

I am compelled to require your presence and detention instead of your wives on account of further threatened retaliation made by the men of your regiment upon the soldiers who may be unfortunate enough to fall into their hands, and in order that the transaction may assure you and your people—

First. That we will carry on this war upon the rules of civilized warfare if permitted to do so by the rebel authorities.

Second. That we will not permit outrages upon our men without swift, severe, and stern retaliation. It is for your friends therefore to make the choice.

Daniel Bright, who was executed by General Wild, was a deserter from the Sixty-second Georgia; was wrongfully enlisted in the Sixty-sixth North Carolina; was engaged not in warfare, but in pillage and murder, as a guerrilla; was duly tried by court-martial, sentenced, and hanged; and the execution of Private Jordan in retaliation for that act will be made the subject of other and different measures from any that relate to yourselves and your treatment.

I have the honor to be, very respectfully, yours,

BENJ. F. BUTLER,
Major-General, Commanding.

Report of inspection of camp and field hospitals at Indianapolis, Ind., January 26, 1864, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—Camp Morton. Commander of camp—Colonel Stevens, Invalid Corps. Command and strength—prisoners of war, 3,207; guard, 18 companies Invalid Corps. Location of camp—about one mile north of city. Water, source and supply—wells, sufficient. Water, quality and effects—good. Fuel—wood, sufficient. Soil—sand and clay. Drainage—artificial, imperfect, but much better attended to than at last inspection. Topography—camp-ground flat, but can be readily drained into a creek running in a deep gully through center of camp. Police of camp—of ground, very good; of barracks, very much neglected. Discipline in camp—much more strict than at last inspection. Duties in camp—none. Tents or huts, position—barracks, on north and west sides of inclosure. Tents or huts, pattern and quality—one story, very much dilapidated and in need of repair. Tents or huts, ventilation and removal—ventilated only by dilapidation and by insufficient doors and windows. Tents or huts, sufficiency—if in repair, for about 1,500. Heating—sufficient, by stoves. Sinks, construction—open excavation. Sinks, condition and position—rear of barracks. Sinks, management—not well attended to, though in very much better condition than at last inspection. Removal of offal, &c.—tolerably well attended to. Rations—abundant and of good quality. Cooking in camp—much reform needed; prisoners cook their rations with insufficient utensils over camp-fires; cook-houses to be erected and cooking done by detail. Inspection of food—none after cooking. Portable ovens—bread of very good quality, baked in camp. Vegetables—insufficient in quantity. Cleanliness of men—filthy. Cleanliness of clothing—filthy from want of laundry and washing facilities. Quality of clothing—poor. Quantity of clothing—insufficient. Blankets and bedding—in hospital, sufficient and in good order; in quarters, a sufficient supply of blankets. Habits of men—indolent, should be furnished with employment. Condition of men—in quarters, filthy; in hospital, excel-

lent, but in want of additional hospital clothing. Hospital buildings—four, two of which are new; kitchen too small; no laundry. Hospital tents—sixteen, not floored; six additional tents not yet erected. Hospital police—generally excellent. Hospital discipline—good. Hospital diet and cooking—diet good; cooking well done and inspected; kitchen too small. Hospital heat and ventilation—well heated by stoves; in new wards facilities for ventilation good, but not yet completed. Hospital capacity—in wards, about 160, allowing 800 cubic feet to each patient; in tents, 132; total, 292. Number sick—in hospital, 240; in quarters, 706; total, 946. Transportation of sick—no ambulance detailed to prison, not necessary; transportation of medical supplies, by quartermaster. State of medical supplies and surgical instruments—sufficient and in excellent order. State of hospital records—generally very well kept. State of hospital accounts—not as strictly kept or scrutinized as they should be. State of hospital fund—December 31, 1863, $1,117; purchases, articles of diet and table furniture, $208.64. Reports—generally well kept up. Requisitions—promptly filled. Medical attendance—sufficient; surgeon in charge, assisted by three acting assistant surgeons, two physicians (prisoners). Nursing—by convalescents and detail of prisoners. Interments—by contract. Diseases local—from condition of barracks and faulty cooking of rations, pneumonia, chronic diarrhea, may be said to have localized themselves. Diseases prevalent—pneumonia, chronic diarrhea, chronic bronchitis, typho-malarial fever, scurvy. Diseases zymotic—no variola (smallpox), rubeola (measles) has been quite frequent. Diseases, mitigation and prevention of—in hospital all is done that can be, but the condition of the barracks and faulty cooking tend to overflow the hospital. Recoveries from diseases, recoveries from wounds, mortality from diseases, mortality from wounds—from the general character of the men and their quarters recovery from disease is necessarily slow and the death rate very large. Report for November, 1863, total strength, 2,808; deaths, 68; per cent., 2.42; average number on sick report daily, 315. December, 1863, total strength, 3,144; deaths, 92; per cent., 2.92; daily average sick, 742.

Medical officers—Actg. Asst. Surg. W. A. Johnson in charge, assisted by three acting assistant surgeons and two physicians (prisoners), one acting hospital steward.

Remarks concerning character and skill: Doctor Johnson is an energetic and skillful officer, and has succeeded in working a very great change for the better in this hospital since he assumed the charge, but declares his intention of throwing up his contract and retiring from the service. I would earnestly recommend that a commissioned medical officer be assigned to the charge of each of the prison camp hospitals.

Prison fund—January 26, 1864, $4,208.63. The present commandant of Camp Morton is rapidly improving the condition of the camp. The gully running through the camp ground has been thoroughly policed, and the bed of the creek dug out, so that when the system of ditching now in progress is completed it will form a valuable adjunct in the drainage of the camp. The barracks are much overcrowded and very much in need of repair. In their present condition it is only to be wondered at that the sick report is not larger than it is. It is proposed to repair the barracks and floor them, and to erect new barracks as the condition of the hospital fund will allow. Cook-houses are also to be erected and furnished with the necessary utensils. These will soon pay for themselves in preventing waste of rations and in the saving of fuel, and the necessary improvement in the mode of cooking will go far in preventing much of the disease which is now largely attributable to

the use of badly cooked food. When the proposed improvements are completed the present hospital accommodations will be ample. I have directed that the hospital kitchen be enlarged and that a few additional and necessary utensils be procured. I have also directed that a temporary building for a hospital laundry be erected. At present the washing is done outside the prison by laundresses, who are mustered and paid by the Government as in general hospitals. This is entirely irregular, for these are not general hospitals, and if laundresses are employed at all they should be paid from the hospital or prison fund. This expense is needless, however, for with the proper facilities there is no reason why the necessary washing should not be done by the prisoners. Additional hospital clothing is needed, and I have directed the purchase of 300 shirts, 300 pair of drawers, and 300 pair of socks to be retained and used in the hospital only. I learn that the two new wards for the hospital at this camp were built by the Quartermaster's Department instead of from the prison fund. Would it not be practicable to exchange the addition built to the city hospital in 1862 for this, at least in part payment therefor? This latter is now used for Federal troops as a part of the U. S. general hospital and is no longer needed for the use of prisoners. It was paid for from the prison fund, together with its furniture, with the exception of some eighty bedsteads (iron), the bill for which, I am informed by the medical director, is as yet unpaid. I would respectfully suggest that henceforth all hospital supplies needed for the prison camps be purchased from the prison fund instead of being purchased on requisition from the Medical Department, U. S. Army. This would relieve that department of a heavy burden, which should properly fall on the prison fund, and which, in most if not in every case, could be readily borne by that fund. The quarters of the guard outside the prison inclosure are in admirable condition, well drained and police complete. Both men and camps are a credit to the commanding officer and his subordinates.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

WASHINGTON, D. C., *January 27, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I have the honor to make the following report in answer to your instructions of yesterday's date in reference to an order represented to have been issued by Major-General Butler, dated Fort Monroe the 25th instant, in the following words, to wit:

All prisoners heretofore held by Confederate authorities, whether civilians, officers, or soldiers, received at City Point before the 20th instant from the Confederate commissioner are hereby declared exchanged.

The points to which my attention is called in your instructions are the following:

First. Whether it (the order) is in accordance with the cartel hitherto existing between this Government and the rebel authorities.

Second. Whether it is in accordance with or in violation of the laws of war.

Third. Whether in your (my) opinion it is expedient that such an order should be made under existing circumstances with the reasons for the opinion you express.

Fourth. Whether any authority has been conferred upon General Butler, by or through you, to make such an order.

Fifth. Your recommendations as to what shall be done in the premises in case such an order has been issued by or through you.

[First.] The order of General Butler does not on its face expressly purport to have been issued in accordance with the cartel, and unless

there was some prior conference or agreement between General Butler and the rebel agent, Mr. Ould, which has not been reported, I see in the order in question no connection it can have with the cartel. It has the appearance, on the contrary, of an independent isolated order, the authority for which is unknown to me. In the absence of explanations, there being none with the order, I regard it as being without authority from the cartel.

Second. If the order is, as it now appears, without authority from the cartel, it is without question contrary to the laws of war. It is manifest that no general is authorized by the laws of war to declare a body of troops on parole freed from the obligations of their parole by an *ex parte* declaration unsustained by the party accepting the parole unless the parole itself can be shown to have been invalid and without authority, and even where the validity of the parole is questioned the precise authority for determining a disputed point of this sort is by no means settled. In this case, however, there is no question as to the validity of the paroles. The prisoners affected by the order, unless a few citizens be excepted, had been captured by the enemy, had been duly delivered on parole at City Point, and were mostly at the parole camp at Annapolis, Md.

Third. In answer to the third point I have to observe that when Mr. Ould, the rebel agent, in September and October last made his declarations of exchange in violation of the laws of war, and without authority from the cartel, we on our side emphatically protested against his proceedings. We accepted indeed his express invitation to declare exchanged a number of our men then on parole, which we were fully authorized to do; but when subsequently we came into possession of the prisoners (the prisoners now declared by General Butler to be exchanged) the General-in-Chief addressed an inquiry to me desiring to know whether those prisoners could not be declared exchanged. I expressed my opinion in the negative. We claimed indeed that the rebel agent had declared exchanged a considerable number of his own men, over and above any right on his part, contrary to the cartel and in violation of the laws of war. But here was a question in dispute between the parties, and I remarked to General Halleck that a declaration of exchange under the circumstances on our part would be but following the example of the rebel agent, against which we had earnestly protested. The General-in-Chief appeared to be satisfied with that view and took no further steps in the matter.

Since that time the position of the entire question has remained unchanged. The enemy has not receded from his point of view, neither have we receded from our own, and unless General Butler has been able to come to some understanding or explanation with the rebel authorities on this subject, of which I am not advised, I regard this declaration of exchange by him as an unauthorized step, indirectly sanctioning the proceedings of Mr. Ould, or the rebel authorities, to which we have taken exception. It is an instance of an arbitrary order, the direct effect of which must be still further to complicate the question of exchange, already sufficiently embarrassing.

As it is plain that we cannot return prisoners of war on parole to the South if the rebel authorities assume arbitrarily to declare them exchanged, so neither can we expect the South to send our captured troops to the North on parole if an agent of exchange or a general officer assumes to put arms in their hands and send them into the field when there has been no agreement between the parties to that end.

I therefore am decidedly of opinion that the order of General Butler is inexpedient under existing circumstances, except that inasmuch as General Butler effected an exchange of some 500 prisoners, delivering and receiving about that number, he was authorized to declare a number equal to that delivered by him exchanged, furnishing an accurate list of them according to the fifth article of the cartel.

Fourth. The only authority conferred upon General Butler to make exchanges through me or within my knowledge is contained in the annexed copy of an order, marked A,* dated Fort Monroe, December 17, 1863, which was communicated to him under instructions from the War Department as exhibited in the annexed copy of an order, marked B,† dated War Department, December 16, 1863, addressed to myself.

The special order of the 17th of December, *vide* copy herewith marked C,‡ was furnished to General Butler merely to enable him to make known if necessary his authority to meet the rebel agent under flag of truce on the business of exchange without exhibiting his detailed instructions.

It was not the intention of the instructions thus recited or referred to to authorize General Butler to act retrospectively and declare a body of prisoners exchanged then on parole within our lines unless their relations to the enemy should be changed. General Butler was permitted by his instructions to waive the consideration of questions of difficulty then pending between this Government and the rebel authorities on the subject of exchange until further interchange of views between himself and those authorities, but he was not authorized to assume to dispose of those questions by an arbitrary decision of his own; he was authorized to exchange prisoners, man for man and grade for grade, irrespective of the then existing difficulties.

If there had been any sufficient authority for a declaration of exchange for the prisoners in question prior to General Butler entering upon duty in connection with the subject of exchanges General Butler might naturally have concluded that the claims of some 1,500 men and the claims of the Government and the country in relation to them would not have been overlooked. No change of relations in respect to those men has occurred within my knowledge, and none has been reported by General Butler so far as I know.

My answer to the fourth point is, therefore, that General Butler had no authority to make the declaration in question; and this unavoidably leads to the remark that we cannot expect to return to a becoming intercourse with the enemy under flag of truce except by a strict adherence on our part to the laws of war, and, as I consider the declaration in question is in contravention of those laws, I have no hesitation in recommending that the order be revoked.

The intercourse of belligerents, apart from open violence in the field, which has, however, its own imperative laws, is always a matter of great delicacy, and cannot prosper except when both parties act upon common principles accepted by both; and nothing can embarrass intercourse under flag of truce more than an assumption by one party to decide a disputed point upon a judgment not submitted to the other for acceptance or remark.

It may be unfortunate that we have a number—possibly 1,500 or more—of our men on parole within our lines not to take arms until exchanged, but if we undertake to put these men with arms into the field without being duly exchanged we not only expose the men to the danger of being dealt with, if captured again, for breach of parole, one

* See Hitchcock to Butler, p. 711.
† See Stanton to Hitchcock, p. 709.
‡ See Hitchcock to Butler, p. 712.

of the highest offenses known in war, but we inevitably give the enemy the very pretext he wants to force upon us as prisoners of war in exchange his unauthorized guerrilla captures of non-combatants.

I annex herewith a copy of the cartel of exchange, marked D.*

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 27, 1864.

Col. JAMES W. HINTON,
Commanding North Carolina State Forces:

COLONEL: Your letter per flag of truce of date January 15 was received, inclosing a copy of a letter of Brigadier-General Wild to John T. Elliott, captain of guerrillas. I am glad of an opportunity to state to you the exact policy which I propose to pursue in carrying on the war now raging between the Confederate authorities and my Government, because upon that subject there seems to be a wide misunderstanding. Perhaps the easiest way to elucidate it will be an explicit statement of what I do not mean to do.

First, then, I do not mean to conduct the war like a fishwoman in Billingsgate by calling hard names, such as "brute," "beast," &c.

Second. I do not mean to carry it on by any futile proclamations of outlawry against any officer or soldier duly authorized and commissioned for doing his duty.

Third. I do not mean to carry it on by threatening when I am beaten to take to the woods and organize guerrilla forces.

Fourth. I do not propose to carry it on unless my troops will obey my orders, and if they do not while I am in command of them I shall not afford them protection.

Again, I do mean to carry on this war according to the rules of civilized warfare as between alien enemies.

To apply, then, this principle to the case you mention of the action of General Wild. General Wild found Daniel Bright, a deserter from the Sixty-second Georgia Regiment, carrying on robbery and pillage in the peaceable counties of Camden and Pasquotank. He was further informed and believed that being such a deserter he and his company had refused to obey any order emanating from you or the Governor of North Carolina, because you had frequently ordered the squad of which he had pretended to be one across the Chowan River, and they had refused to obey. These facts appeared to the court-martial before which Daniel Bright was tried, and, in my judgment, brought him within the strict meaning of the term "guerrilla."

If these facts are true, and they are known to you if they are so—the fact that he was a member of a Georgia regiment being shown by the placard put upon the body of Private Jordan, who was hanged in pretended retaliation for him—it is quite clear that he met his fate according to every rule of warfare, and the murder of Jordan in pretended retaliation for him will be met in such a way as becomes the Government which I represent.

If Elliott and his men had refused to obey your orders and to march as they were directed, but remained in a peaceable county against the will of the inhabitants, plundering and burning as they were doing, and as we were informed they were doing, they also deserved a like fate as

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*See Vol. IV, this series, p. 266.

Daniel Bright by every rule of civilized warfare. But if your men are met in the field, in the usual duty of soldiers, under your command or that of any other duly qualified officer carrying on war in any form that war has been carried on by any Christian nation, except the English against the Chinese, they will be treated whenever captured as prisoners of war, and all the more tenderly by me because they are North Carolina troops, most of whom I believe unwillingly in the service of the Confederate Government.

General Wild's threat was only against "guerrillas," and these are men coming within the description which I have given, and you can easily determine for yourself whether your regiment as organized does come within that description. If not, they may fear nothing worse than imprisonment. If they do, it will be more convenient for them not to get into our hands.

I leave it to your own good sense whether the kind of warfare carried on for the past year in the counties of Camden, Currituck, Pasquotank and the neighboring counties tends either to set up the Confederate Government among the nations of the earth or overthrow and cripple the Government of the United States; and if it does neither, whether such a warfare ought not be stopped by the most stringent measures.

I have the honor to be, very respectfully, your obedient servant,

B. F. BUTLER,
Major-General, Commanding.

PULASKI, *January 27, 1864.*

Lieutenant-Colonel BOWERS, *Assistant Adjutant-General:*

General Roddey desires to make an exchange with me, man for man. Will I be allowed to do it?

G. M. DODGE,
Brigadier-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 27, 1864.

Maj. Gen. E. A. HITCHCOCK, *Agent of Exchange:*

SIR: All of the deliveries at City Point have been mutually declared exchanged up to September 1, 1863. Since that date there have been several deliveries, the numbers on each side generally corresponding. If there is any excess it is in our deliveries.

On the 1st of February I shall declare all officers and soldiers who have been delivered at City Point at any time prior to January 1, 1864, exchanged.

You can make a similar notice as to those who have been delivered to you.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HEADQUARTERS MILITARY PRISON,
Camp Morton, Indianapolis, Ind., January 27, 1864.

Capt. W. T. HARTZ,
Assistant Adjutant-General, Washington, D. C.:

CAPTAIN: I have the honor to submit the following report of the shooting of Goacin Arcemant, Confederate prisoner, by a sentinel of the guard at this camp on the morning of the 16th of January, 1864.

The report of the officer of the guard, Lieut. T. H. Tyndale, received through Captain Pingree, officer of the day, shows that the occurrence took place at 1.30 a. m. on the 16th instant at post No. 20 on the guard line. The sentinel on duty at said post, being examined, states that he had been annoyed repeatedly during his tour of duty by prisoners leaving their barracks and approaching the fence, contrary to orders; that the deceased had quitted his quarters and was approaching the fence in the same manner, when, in compliance with instructions, he ordered him to halt and return to his quarters; that the prisoner, on receiving the order, stopped and made answer, but did not return to his quarters. The order being repeated, and the prisoner still refusing obedience, the guard states that he fired on him, and immediately called the number of his post, following strictly the instructions he had received. Post No. 21, contiguous, states that the order was given distinctly each time, and that the prisoner must have heard and understood it. As several attempts have been made by prisoners to escape at that point during the present month, it is probable that the deceased approached the fence with a similar intention. The deceased himself, a short time before his death, stated that he left his quarters to go to the sinks. As there are no sinks in the quarter to which he was going he must have had other intentions.

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, February 3, 1864.

Respectfully submitted for the information of the Secretary of War.

The sentinel seems to have obeyed his orders, and rigid orders to the guard are necessary to preserve order and discipline among the prisoners; but great care should be observed by the commanding officer that excesses are not committed under the plea of enforcing orders, and Colonel Stevens will be cautioned to this effect.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *March 10, 1864.*

Respectfully returned to the Commissary-General of Prisoners.

The shooting was justifiable; but in all such cases an investigation should be made by a board of officers.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

CAMP SUMTER, *Andersonville, Ga., January 27, 1864.*

Colonel HARRIS, *Commanding Conscript Camp, Macon, Ga.:*

SIR: Under instructions from the Quartermaster-General I am required to purchase in southwestern Georgia and in Florida as much beef as I shall need for the supply to Federal prisoners at this post, and shall need some detailed men to drive the beeves. Will you be kind enough to inform me whether I shall make application to you for

the detail of those men and if any special form is required. Please answer at once, as I must be making my necessary arrangements.

Very respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

Examining board of surgeons, Richmond. Report of surgeons on the condition of certain cells in the penitentiary.*

[Indorsement.]

JANUARY 27, 1864.

Respectfully referred to Governor Smith.

Can the places recommended be secured for cases of extreme retaliation?

RO. OULD,
Agent of Exchange.

RICHMOND, *January 28, 1864.* (Received March 1.)

The Honorable the SECRETARY OF WAR OF THE UNITED STATES:

Allow me to submit for your consideration a simple statement with no other design than to subserve the cause of humanity as connected with the treatment of prisoners.

Some weeks since it was my privilege to obtain the release of Doctor Goldsborough, a surgeon of the U. S. Army. I had repeatedly visited him during his confinement and was permitted to proffer to him and others similarly situated any assistance which I deemed proper. He invariably replied to my inquiries that he was furnished with everything that a prisoner of war could expect, wanting nothing but an additional undergarment to supply the place of one which he had lost at Gettysburg. This I offered to send him at once, but as he expressed a preference for purchasing it with his own funds, which were in the possession of General Winder, I had the order procured and placed at his disposal. He did not use it, and in a subsequent interview attempted an explanation, but so confused in its character that I changed the conversation to relieve his embarrassment. At a later date he sent for me to show me a letter which he had received, informing him of the illness of his father and brother, and of their great desire to see him, and asked me to procure his parole for that purpose. He urged this on the ground of his being a non-combatant, assuring me that he had not joined the army from any zeal against the South, but that, being without practice, he was desirous to be in a position which would afford him employment and support in the line of his profession.

I went immediately to Judge Ould and asked for the parole solely on the plea of humanity. He replied that under the existing difficulties which had arrested the exchange of prisoners he did not feel authorized to yield to the sympathy which the case involved, unless by so doing something could be effected toward a general exchange of surgeons and chaplains; but if Doctor Goldsborough could and would visit Washington for this purpose, and use his own and such other influence as he could obtain to promote this exchange on the plan proposed by Judge Ould, then the parole might be granted. I asked for these conditions

* Only this brief and the indorsement found.

in writing, and handed them to Doctor Goldsborough for his consideration. He assured me that he cordially approved of the views of Judge Ould and would do all in his power to prevail on his Government to concur. He then signed an agreement to this effect and took a copy for himself. By the next flag of truce he was permitted to return to the United States, and carried with him the funds which during his imprisonment had been in the keeping of the provost-marshal.

In parting I took the liberty of stating to him that my ability to be of service to others would depend much on his course after his liberation, and expressed the hope that nothing would occur to make me regret my agency in procuring his parole. His assurances left no room for apprehending the slightest disappointment. And yet, this man with a worthy name, which he should have changed before prostituting it by ingratitude and falsehood, had scarcely reached his home when he began to utter the grossest misrepresentations as to the treatment to which his fellow-prisoners and himself had been subjected; hastened to Washington, not to comply in good faith with his engagements as an agent for effecting a humane arrangement, but to widen the existing breach and inflame revenge by his report of cruelties which he knew had never been practiced; and then to boast that his statements had stimulated his Government to severe retaliation upon the Confederate soldiers in their prisons. As I was connected with his parole, which afforded him the opportunity for attempting to increase the sufferings of others, I deem it a duty to make this statement to correct the false impression which his uncontradicted representation may have produced and to prevent the misery which might ensue.

My own testimony is as follows: During my visits to the Libby Prison to minister to its inmates, as need might require, I have often appealed to them individually and in groups to know if they had any cause to complain of the treatment which they experienced, assuring them of my readiness to secure the redress of any real grievance. The uniform reply has been that they had no inhumanity to complain of, and that except the want of outdoor exercise they wanted nothing but to go home. The spacious rooms of the building, which was originally an extensive tobacco warehouse, I always found sufficiently warmed and ventilated, and the appearance of the inmates that of persons in good health.

In penning this statement I do but comply with the demands of conscience and humanity, and shall be most happy if it serves to prevent all unnecessary suffering on the part of those whom the fortune of war has subjected to imprisonment.

With due consideration, yours,

J. JOHNS,

Bishop of the Protestant Episcopal Church in Virginia.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 28, 1864.

Col. J. HOLT, *Judge-Advocate-General:*

COLONEL: The records and court-martial have been received. The President telegraphed me that no person who had been sentenced to death should be executed until further orders. The order was thereupon issued suspending all executions. There have been some men tried since that order and the sentences approved, and acting under

the spirit of the President's telegraph, I have not carried any sentence into execution. All sentences of death are under my order to be executed within forty-eight hours after the sentence is read to the prisoner. That sentence is not ordered to be read to the prisoner until the time and place are fixed for his execution, so that there would seem to me to be no propriety in noting anything of the President's order upon the proceedings I approve. No man has been pardoned or respited by the President, because the record has not been forwarded to him, so that I can make no record of any action of the President, because none has been taken. I must do my duty under the law, which is to approve or disapprove of the sentence, and to carry it into effect unless the President intervenes.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 28, 1864.

Col. WILLIAM WALLACE, *Commanding, Columbus, Ohio:*

COLONEL: By direction of the Secretary of War you will please release Col. B. W. Duke, Second Kentucky Cavalry, from the Ohio penitentiary at Columbus, where he is now held as a prisoner of war, and transfer him to Camp Chase on his parole not to pass the limits of the camp without authority from the War Department, nor to have any communication with any person by word or in writing, except by your authority, nor to do any act, directly or indirectly, against the authority or interests of the United States.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND, *January 28, 1864.*

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I am charged by the corporate authorities of Danville with a mission whose character will appear by a perusal of the accompanying papers, to which I ask your attention, and will be very much obliged if you will favor me with a reply as soon as by 10 o'clock to-morrow evening, to be left at the office of the Spotswood, as I desire to leave to-morrow afternoon on my return home.

I am, very respectfully, your obedient servant,

T. P. ATKINSON.

[Inclosure No. 1.]

Hon. JAMES A. SEDDON,
Secretary of War of the Confederate States:

Your petitioners, the mayor and common council of Danville, would respectfully represent that we deem it our imperative duty earnestly to petition for the removal of the Yankee prisoners located among us to some other place, or at least outside the limits of the corporation of Danville. The reasons for this application, which are embodied in this petition, are explained by the certificates hereto annexed.

The hospitals of the prisoners and sick are located in the very heart of the town, and are not all in one place, but scattered in the most

public and business places, so as to infect the whole atmosphere of the town with smallpox and fever now raging within the limits of the corporation. Your petitioners fear mostly the increase of the number of cases of fever and the virulence of the same.

The stench from the hospitals even now (in winter) is almost insupportable, and is offensive at the distance of several hundred yards. We are advised by our medical advisers, the board of health, that they believe the great number of cases of fever now in Danville proceeds from the cause above indicated. Your petitioners believe that no police regulations, however efficient, can remove the evil from which they apprehend so much mischief, particularly in the summer months. The filth of the neighborhood of the hospitals runs down in small sluggish branches that run nearly through the breadth of the town, and it is permitted to remain until a rain partially removes it, the most of it finding a permanent lodgment in the drains. The town has no water-works to cleanse its streets.

Most respectfully submitted.

T. P. ATKINSON,
Mayor.
JOHN W. HOLLAND,
President of Council.
E. J. BELL,
Clerk of Council.

[Indorsement.]

Ordered.

J. A. S.,
Secretary.

Received January 29, 1864, 6.30 o'clock.

[Inclosure No. 2.]

At a meeting of the council of the town of Danville, held on the 27th of January, 1864, the following preamble and resolutions were passed:

Whereas, it has been represented to the council by the board of health, as well as the citizens generally, that the health of the town is greatly endangered by the presence of the Yankee prisoners here:

Be it resolved, That the mayor, Dr. T. P. Atkinson, be authorized and requested to proceed to Richmond and present our situation to the Secretary of War, and use every exertion to have the prisoners removed.

Resolved further, That Dr. T. P. Atkinson, our mayor, is authorized to apply to the proper authorities for the exemption of the council of Danville from military duty.

JOHN W. HOLLAND,
President of Council.
E. J. BELL,
Clerk.

[Inclosure No. 3.]

OFFICE OF THE BOARD OF HEALTH,
Danville, Va., January 27, 1864.

JOHN W. HOLLAND, *President of Council:*

From the number of cases of fever and smallpox occurring in the vicinity of the hospitals containing Yankee prisoners, and the offensiveness of the effluvia proceeding therefrom, we feel it our duty to ask the council to take such measures as are necessary to protect themselves and the community. The hospitals are located in the very heart of the town, and while every police measure may be adopted as far as the

ability of the polite and gentlemanly commandant will permit, yet it is manifest that the principal streets are now avoided on account of the excessive offensiveness therefrom.

We believe the large number of cases of fever proceed from the causes enumerated; and if it commences so soon in the year, what are we to expect during the summer months if the cause remains? And as the situation of our town is such as to preclude the establishing of proper regulations to enable the authorities to get clear of the offensive matter that naturally accumulates, we therefore respectfully request that the necessary steps be taken to have the prisoners removed from the limit of the town.

J. M. SMITH, M. D.,
W. S. GREEN, M. D.,
THOS. D. STOKES, M. D.,
GEO. E. WELSH,
Board of Health.

[Inclosure No. 4.]

DANVILLE, VA., *January 27, 1864.*

The undersigned citizens of Danville desire to call the attention of the council to an intolerable grievance by which they are annoyed, and which threatens the destruction of their families unless it shall be speedily removed.

The stench arising from the C. S. prisons in this place, and in which there are some 4,000 Yankee prisoners confined, many of them suffering from smallpox and other virulent diseases, is so extremely offensive to the neighborhood in which we respectively reside as not only to subject us and our families to the greatest degree of annoyance, but, as we are informed by our physicians, to render it almost certain that the most fearful and fatal diseases must soon be brought upon us.

Under these circumstances we call upon you, as the legislative authority of the town, to take such measures in the premises as you may deem most efficient in relieving us from the present and prospective evils of our condition.

We are confident that in making proper inquiry into the matter you will adopt prompt means to effect an object so desirable not only to us, but to the whole town.

We are, very respectfully, your constituents,

WADDELL, PARISH & CO.,
Proprietors Tunstall House.
SAMUEL S. BRYANT.
JULIUS GERST.
[And fifty other persons and firms.]

CALHOUN, MCMINN COUNTY, TENN., *January 28, 1864.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: John L. Bridges, esq., Mr. Alfred Swafford, and myself were arrested last Saturday morning at our homes, in this county, and are now held at this place by the military authorities of the United States, as they allege, merely as hostages for Jesse R. Blackburn, a citizen of this county, who they allege was arrested in November last by the military of the Confederate States for being, as they alleged, engaged in bushwhacking or harboring bushwhackers, and who, they allege, is now held in custody at Richmond.

The friends of Mr. Blackburn here aver that he is innocent of the charge made against him and that he has never had any trial.

I know nothing myself of the circumstances of Mr. Blackburn's arrest, and, in fact, knew not of his arrest until after I was arrested myself, when his son-in-law, Mr. Thomas A. Cass, who had me arrested, informed me of it and made his statement to me of the circumstances under which Mr. Blackburn was arrested. His statement is that John Dunn, esq., an agent of the Confederate States, came to the dwelling of Mr. Blackburn to impress some hogs belonging to said Blackburn and Cass, when an altercation took place between him, Cass, and Dunn about the authority of Dunn, and when Dunn determined to take the hogs he, Cass, without the knowledge of Blackburn, went off, collected some friends, intercepted Dunn and his party, fired into them, and rescued the hogs.

If these are the facts, surely Mr. Blackburn ought not to have been arrested or molested in any way. I trust, therefore, you will have this matter inquired into, so that justice may be done to all parties, and Messrs. Bridges, Swafford, and myself be discharged from the custody of the Federal authorities.

As I never had but one short interview with you, and that more than two years ago, you may not remember who I am. I therefore refer you to the members of Congress from this State.

Respectfully,

T. NIXON VAN DYKE.

[First indorsement.]

FEBRUARY 12, 1864.

I respectfully recommend that this letter be forwarded to General Butler, to be sent by flag-of-truce boat through the lines according to its address.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Second indorsement.]

WAR DEPARTMENT, *February 20, 1864.*

Respectfully referred to Major-General Butler, commanding Department of Virginia and North Carolina, for action as above suggested.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Third indorsement.]

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, February 29, 1864.

Respectfully referred to Hon. Robert Ould, Confederate agent for exchange.

BENJ. F. BUTLER,
Major-General, &c., Commissioner for Exchange.

[Fourth indorsement.]

MARCH 8, 1864.

Respectfully referred to His Excellency the President.

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 29, 1864.

Col. WILLIAM WALLACE,
Commanding Camp Chase, Columbus, Ohio:

COLONEL: Your letter of the 19th instant, inclosing reports made to you by Lieutenant-Colonel Poten, Seventh Regiment Veteran Reserve Corps, and Lieutenant Reber, Eighty-eighth Ohio, in relation to the shooting of five prisoners of war, is received, My telegram of the 15th instant required you to make a detailed report of the occurrences referred to, and it was your duty to make the report yourself and not turn it over to subordinate officers. If, as the commanding officer of the camp, you did not know anything of the transactions at the time of their occurrence, you should yourself have investigated all the circumstances connected with them, as far as practicable, stating the orders under which the sentinel acted and the necessity for these orders, the name of the sentinel [prisoner], and how far he disobeyed the regulations of the prison; whether he was killed or wounded, and if the latter, what care was taken of him; and it should be shown that all proper measures were taken to preserve order and subordination before resorting to those of the greatest severity. These details should be established by the affidavits of such witnesses as can be had—the officers, the sentinels on post at the time, and the medical officer. The statements of Lieutenant-Colonel Poten are very unsatisfactory, being vague or general, and without any evidence to support them. As he seems to have been made responsible for the guard and the security of the prisoners, it is the more necessary that his report should be corroborated by statements of others not so interested. In the first place, he reports that a sentinel at night ordered a prisoner to his quarters, and cautioned him if he did not obey he would shoot him. It appears that he did not obey, and the sentinel shot him. The colonel saw nothing himself, but on what he heard he makes his report. Where was the prisoner; what was he doing; what appeared to be the reason for his persisting in disobeying the sentinel's orders; what excuse did he give for it? Was the prisoner taken to the hospital, or what disposition was made of him? All these are details necessary to be given for a clear understanding of the case.

In two other cases the sentinels fired into the barracks occupied by prisoners at night because a light was burning; uncertain, of course, whether he was going to kill the offender or an innocent man while sleeping. To justify such an act as this it is necessary to show that all proper means had been tried in vain to put a stop to the burning of lights after prescribed hours, and it should be shown that the light was not the accidental blazing up of wood left in the stove, without any intention on the part of the inmates of the room to violate orders. Lieutenant Reber reports that the sentinel states the prisoner went behind the sink and he shot him. The lieutenant does not say, nor does the sentinel, that the prisoner was ordered not to go behind the sink; nor does the lieutenant say that when he reported to him that the prisoners would go behind the sink against his orders he forbid them doing so. It is not stated whether the man was killed or not, and the case is as deficient in details as the others.

You will please investigate these cases yourself, give all the details requisite to a full understanding of their necessity, and until this is satisfactorily done you will relieve Lieutenant-Colonel Poten from the charge of the prisoners.

The rebels have outraged every human and Christian feeling by shooting down their prisoners without occasion and in cold blood, and

it is hoped that Union soldiers will not bring reproach upon themselves by following their barbarous example. I did not expect a report of the case which occurred in 1862.

The commanding officer of the camp is responsible for its good order and proper conduct in all particulars, and he cannot place any of his responsibilities upon officers under him unless he can show that he gave all proper orders and took all necessary steps to see that they were enforced.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 29, 1864.

Col. WILLIAM WALLACE,
Commanding Camp Chase, Columbus, Ohio:

COLONEL: It is possible that by the employment of detectives among the prisoners you may be able to obtain information that may be useful to the Government or to yourself in giving you notice of improper communication passing between the prisoners and ill-disposed persons outside, or of giving information of plans to escape; and you are therefore authorized if you can find a suitable man for this purpose to pay him for such services, according to their value, out of the prison fund. I do not think it advisable to pay by the month, but for each item of information according to its importance. Deserters from the Federal Army are sometimes found among the prisoners of war, who may be traced out by a detective. Please inform me what steps you take under these instructions.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Col. A. A. Stevens, commanding Camp Morton, Indianapolis, Ind.)

WAR DEPARTMENT, *Washington, January 30, 1864.*

Ordered, That Major-General Hitchcock and Brigadier-General Canby prepare proper rules and regulations to govern the enlistment of such rebel prisoners as desire to take the oath of allegiance to the United States and to enter its military service, and to report the same to the Secretary of War for his approval.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *January 30, 1864.*

Hon. H. J. RAYMOND, *Editor of the New York Times:*

DEAR SIR: Let me invite your attention to the economic and humane considerations which affect the maintenance in idleness of our 40,000 or 50,000 prisoners of war. Employment is the law of war. See General Orders, No. 100, prepared by Doctor Lieber, and announced as to govern our armies. European nations employ them. They are made, if possible, to earn their bread. They are more healthy and more happy for the exercise. Full fed in idleness they die. We alone of all nations keep and feed and clothe 50,000 criminals as prisoners of war; enough

to dig the Illinois and Michigan Ship Canal, and the Niagara Ship Canal, and establish a lasting bond of union and defense about our northern frontier in a few months' time. Only tools and powder would be needed in addition to the labor of these 50,000 idle men. Bonaparte built the canal Saint Quentin with Russian prisoners of war. Napoleon the Austrian prisoners of his Italian campaign the Algeria, and hired them out to colonists. The subject is worth treatment in the public prints. It has not been ordered, I suppose, because the public mind has not yet been instructed and knows nothing of the laws or usages of war, but supposes that as a Christian nation we are bound to support these Southern gentlemen in idleness, well fed, till we kill them with gout or inanition. I do not wish to appear in print. I invite your attention to a subject of public importance. Let us have the value of this $50,000 a day. There is now no prospect of change, I believe.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 30, 1864.

Hon. ROBERT OULD, *Confederate Commissioner for Exchange:*

SIR: Will your authorities make a special exchange of Lieut. John M. Holloway, Company L, Seventy-first Regiment Indiana Volunteers (Sixth Cavalry), taken near Knoxville, for any lieutenant of like rank which we hold?

If so, send down Holloway and name your man and he shall be returned.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

WASHINGTON, D. C., *January 30, 1864.*

Hon. G. V. FOX, *Assistant Secretary of the Navy:*

SIR: In answer to your inquiry by note of the 28th instant, touching a published declaration of exchange purporting to have been made by General Butler, extending to certain prisoners paroled prior to the 20th instant, I have the honor to state, by direction of the Secretary of War, that General Butler has made no report to the War Department on the subject, and the Secretary of War, having no knowledge of the grounds upon which such a declaration could have been made, ordered, upon the receipt of unofficial intelligence on the subject, that the supposed order, if issued, should be suspended. No such order is therefore operative.

Very respectfully, your obedient servant,
E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., January 30, 1864.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: It is represented that Capt. F. A. Bond, a prisoner of war at Point Lookout, is suffering much from his wounds, and I have

therefore to request that his wife, who will present you this note, may be permitted to have an interview with him under the usual restrictions. Will you permit Mrs. Bond to replace such articles of clothing as her husband may have lost on the way from Fort McHenry to Point Lookout, not to exceed the prescribed allowance?

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

RICHMOND AND DANVILLE RAILROAD,
President's Office, Richmond, January 30, 1864.

Hon. JAMES A. SEDDON, *Secretary of War:*

Will you do me the favor to give me a reply to the communication sent in to you yesterday* at any time during the day?

I have not sought a personal interview with you because I was unwilling to trespass on your time, which I know is so much occupied in attending to your pressing official duties.

Sixty of the prisoners escaped from the jail in Danville on night before last, and the remainder of them can get away whenever they shall make the attempt, there being, as I informed you at my last interview with you, no buildings in the town at all adequate to their safe-keeping.

If you would like to have a personal conference with me on the subject of my mission it will give me pleasure to call on you at any time to-day. I am at the Ballard House.

Yours, very respectfully,

TH. P. ATKINSON.

CONFEDERATE STATES OF AMERICA, EXECUTIVE DEPT.,
Richmond, Va., January 30, 1864.

The Honorable SECRETARY OF WAR:

SIR: I have the honor, by direction of the President, to forward for your attention and the proper action the following copy of a resolution of the House of Representatives of the 25th instant:

Resolved, That the President be requested to inform this House what steps have been taken to carry out the provisions of the act of Congress of the 13th October, 1862, chapter 62, in relation to the arrest and disposition of slaves who have been recaptured from the enemy; what number of depots for their safe-keeping have been established, and whether public notice has been given in the newspapers of their arrest, as provided in said act.

Very respectfully, your obedient servant,

BURTON N. HARRISON,
Private Secretary.

HEADQUARTERS FIRST BRIGADE, [*January 31, 1864*].

Maj. C. S. STRINGFELLOW, *Dublin:*

A flag of truce from Kanawha has arrived conveying a Mr. Maupin, of Cabell County, W. Va., who has been arrested as a hostage for Mr. Shaw, of Putnam, arrested by Colonel Ferguson and sent to Richmond. Mr. Maupin is under oath to disclose nothing and to return in twenty days unless Sheriff Shaw is released and returned. Mr. Maupin tells

* See January 28, p. 888.

me that eight or ten others have been arrested also. Mr. Maupin is reported as a strong Southern sympathizer, which I am satisfied is the case, and desires to know if there is any chance of the exchange being made. Please answer. The flag has been dismissed. Will send a copy of Scammon's letter to-morrow.* The enemy has been examining the blockade. Will watch them closely.

GEO. S. PATTON,
Colonel, Commanding Brigade.

[JANUARY 31, 1864.—For report of prisoners of war and deserters received and disposed of, and oaths administered to citizens during January, 1864, in the Department of the Cumberland, see Series I, Vol. XXXII, Part I, p. 12.]

WASHINGTON, D. C., *February 1, 1864.*

Dr. FRANCIS LIEBER, *New York:*

DEAR SIR: I thank you for your letter upon the subject of employment of prisoners of war. I have spoken to some persons who will take an interest in such a matter, and do not doubt that these 50,000 pair of hands will soon be made to contribute enough at least to pay the cost of their support. I inclose a copy of your letter as requested,† and am,

Very truly, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

ORDER.] WAR DEPARTMENT,
Washington, D. C., February 1, 1864.

Ordered in relation to examination of prisoners:

First. That all cases of persons not prisoners of war arrested and imprisoned in the military prisons of the District of Columbia be referred to Major Turner, judge-advocate, to examine and report upon the same from time to time, a copy of his report in each case to be filed with the military governor and one to remain on record in the judge-advocate's office, and that his report shall in each case contain a brief statement of the name and residence of the person; when, where, and by whom and whose order the person was arrested and for what cause, together with an abstract of the proofs that may be in each case.

Second. That persons not prisoners of war against whom there is no just or probable cause for detention shall report to the military governor for discharge, and upon such report the person shall be forthwith discharged upon taking the oath of allegiance or departing beyond the District of Columbia, or be placed beyond the United States lines, or upon such other reasonable terms as may in the judgment of the judge-advocate be proper to be imposed for the public security.

Third. That persons not prisoners of war who are arrested and detained for a violation of the laws of war shall be reported accordingly for trial before a military commission to the Judge-Advocate-General.

Fourth. That prisoners of war confined in said prisons shall be reported to the commissioner of exchange, Major-General Hitchcock. Deserters shall be reported to the major-general commanding the

* See January 25, p. 875. † See p. 868.

Defenses of Washington, to be returned to their proper commands for such proceedings as the case may require, and that in all other cases special reports shall be made to Adjutant-General Canby for such orders as the cases may require.

Fifth. That wherever it shall appear that any provost-marshal or other officer has been guilty of abuse of his authority, oppression embezzlement or fraud, or other act prejudicial to the service, it shall be the duty of the judge-advocate to give immediate notice thereof to the military governor of the District and to proceed to investigate the facts in the case and make report thereon to that officer for the action of the War Department.

Sixth. That the military governor of the District and judge-advocate may prescribe rules and regulations to govern provost-marshals within the District in making arrests, searches and seizures, to be approved by the War Department, and it shall be the duty of the judge-advocate to report any provost-marshal that shall violate such rules and regulations after they have been so approved.

Seventh. That the judge-advocate, moreover, prescribe such rules and regulations as may be proper for a speedy investigation of every case of arrest or detention in the prisons of said District and report all delinquencies on the part of officers arresting or holding prisoners that may come to his knowledge.

Eighth. That the judge-advocate is authorized to employ an additional clerk for the discharge of his duties and shall keep a full and regular docket in which every case is entered and all the proceedings had in each case.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 1, 1864.

Major-General HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

GENERAL: I have treated the papers that you speak of in your letter of the 23d rather as the débris of the exchange business, which was to be passed through informally. At present I am awaiting an answer to my proposition from Mr. Ould, having had no official answer.

In regard to matters arising before I took charge we stand in this way: As commissioner of exchange I send forward such inquiries and formal papers as are necessary in the course of business. Commissioner Ould has returned answers by formal indorsements.

I thank you for your courtesy, and will only add that I am endeavoring so to manage this business as to avoid any personal collision; to maintain my personal respect and the honor of the Government. I don't mean to make difficulties about personal matters. When a difference arises it will be a perfectly distinct one, which will justify me in taking the issue. If you will have the kindness to forward me the papers mentioned in your note I will see the proper disposition made of them. They were sent to you while I was absent in the course of office business.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 1, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Will you have sent me, among the first officers forwarded, Ambrose R. Woodroof, second lieutenant of Thomas J. Kirkpatrick's company, Nelson's battalion light artillery, Ewell's corps, of Northern Virginia? I want him for special exchange.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General, Commanding.

WASHINGTON, D. C., *February 1, 1864.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

SIR: I will thank you for a statement of the number of Federal prisoners of war delivered by the rebel agent of exchange at City Point since the last declaration of exchange by General Meredith, and to what period that declaration extended.

Very respectfully, your obedient servant,
E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 1, 1864.

Major-General HITCHCOCK, *Commissioner of Exchange:*

GENERAL: I have the honor to inclose a memorandum of the Federal prisoners of war and citizens paroled at City Point since the 1st of September, 1863, up to which time is covered by the last declaration of exchange. See General Orders, No. 339, herewith inclosed.*

Very respectfully,
W. HOFFMAN,
Commissary-General of Prisoners.

[Inclosure.]

Statement accompanying the note of Colonel Hoffman of the 1st of February, 1864, addressed to General Hitchcock.

Abstract of Federal troops paroled at City Point, Va., since September 1, 1863.

Date.	Captains.	Lieutenants.	Citizens.	Non-commissioned officers.	Privates.	Total value in privates.
September 23, 1863	.....	.....	70	175	561	911
September 29, 1863	.....	.....	4	110	498	718
October 28, 1863	.....	.....	6	30	154	214
November 17, 1863	.....	.....	6	78	271	427
December 9, 1863	.....	.....	.....	.....	2	2
December 28, 1863	1	2	1	119	397	649
Total	1	2	87	512	1,883	2,921

* See October 16, p. 383.

Abstract of Federal troops paroled at City Point, Va., etc.—Continued.

RECAPITULATION.

	Number.	Value.	Total value.
Captains	1	6	6
Lieutenants	2	4	8
Non-commissioned officers	512	2	1,024
Privates	1,883	1	1,883
Citizens	87	.....	87
Total	2,485	.....	3,008

Col. W. H. Powell, Second Virginia Cavalry; Capt. A. H. Stanton, Sixteenth U. S. Infantry, and Capt. James Galt, assistant quartermaster Sixth Division, Sixth Corps (reported this morning), and Capt. W. H. Irving (reported a few days since), are not included in the above.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 1, 1864.

Major-General HITCHCOCK, *Commissioner for Exchange:*

GENERAL: The delivery on the 23d December is the one made to General Butler, and adding officers, non-commissioned officers, privates, and citizens together, makes a total of 520. These paroled men are at Camp Parole, Camp Chase, Benton Barracks, in general hospitals, on furloughs, and absent without leave. About 1,100 at Camp Parole.

Very respectfully,

W. HOFFMAN,
Commissary-General of Prisoners.

WASHINGTON, D. C., *February 1, 1864.*

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

SIR: Colonel Powell has arrived on parole from Richmond to effect an exchange for Colonel Lee (not general), now at Johnson's Island, and I request that Colonel Lee may be sent to Fort Monroe at once.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers.

HEADQUARTERS U. S. FORCES AT
SANDUSKY AND JOHNSON'S ISLAND, OHIO,
Sandusky, February 1, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: Inclosed I send you a report made by surgeon-in-chief and acting assistant inspector-general of the command, also letter of Colonel Pierson, as to the peculiar position of those prisoners desiring to return to their allegiance to the Government; also the complaints of Major-General Trimble. As far as possible the real evils are being remedied. A rigid system of policing is established, and the wells will be so fixed (not filled up) as that no surface water will run into them.

Some, indeed most, of the complaints are without substantial foundation.

The weather is very warm and ice growing weaker. My opinion is that it will not be possible in any event to move troops before Wednesday.

Very respectfully, your obedient servant,

HENRY D. TERRY,
Brigadier-General, Commanding.

[Inclosure No. 1.]

HEADQUARTERS THIRD DIVISION, SIXTH CORPS,
Sandusky, Ohio, January 22, 1864.

Brig. Gen. H. D. TERRY:

GENERAL: In compliance with paragraph II, of General Orders, No. 1, we have inspected the quarters of the prisoners of war now confined on Johnson's Island, and have the honor most respectfully to report:

That upon visiting the quarters of the prisoners we find them roomy, comfortable, and in many instances quite clean and well ventilated. The yard, or inclosure, we found in a most filthy condition, the refuse and garbage of a month's collection still lying where it was thrown; no system of drainage has been adopted, thus leaving the slops lying on the surface as thrown from the several quarters. This demands immediate attention. A thorough system of police must be adopted; too much lenity has been allowed the prisoners in this respect. If they will not attend to the cleanliness of their quarters and grounds by moral suasion they should be compelled to.

Upon inquiry we find that no proper plan of removing this filth has ever been adopted. It seems that the owner of the island had made an arrangement to remove it from the yard for the use of swine; these he no longer possesses and therefore ceases to remove this matter from the inclosure, and since the 1st of January it has been allowed to accumulate.

In our opinion requisitions should be made for a suitable number of teams and boats to convey this mass away from the island and deposit it in some other locality where the soil is deeper and will allow of its being buried.

The buildings may be well ventilated by the windows, but it is almost impossible to induce the prisoners to give the attention that this subject calls for. They will keep the windows closed to the detriment of their health; therefore a proper system of ventilation must be resorted to. We would suggest that a plan of ventilation by means of wooden pipes in the hospitals and in those large rooms occupied by a large number of prisoners be adopted.

The subject of water demands attention. Most of the water used at this season is obtained from surface wells and is not, in our opinion, fit for use. During our tour of inspection this was a source of much complaint from both medical officers and prisoners. The water is not suitable as a beverage, as it causes a diarrhea which invariably proves fatal, and in our opinion these wells should immediately be filled and covered. Water should be obtained from the lake, and if necessary a covered way should be erected from the yard to the water. In this way the details made to get the proper supply could be properly guarded.

In closing we beg leave to make the following suggestions: That to comply with the increased number of troops, two buildings for hospital

use be erected at once; also that two buildings, with proper drainage, be erected for laundry use, one for the troops, the other for the prisoners, and that certain days be set apart for the purpose of washing and cleaning. That the pest-house or smallpox hospital be removed to the farther end of the island; at present it is in too close proximity to the troops. That a plank walk be built around the prison yard at the foot of the stairs leading to the quarters.

And we would further suggest that barracks be erected for those troops now quartered on the island in tents. As they are now situated the stoves used by them are much too large, heating the small tents to such a degree that much sickness must be the result.

Very respectfully submitted.

S. B. M. READ,
Lieut. Col. and Actg. Asst. Insp. Gen., 3d Div., 6th Corps.
J. B. PETHERBRIDGE,
Surgeon, First Brigade, Third Division, Sixth Corps.

[Inclosure No. 2.]

PRISON, JOHNSON'S ISLAND, *January 26. 1864.*

Brigadier-General TERRY, *Commanding Post Sandusky:*

SIR: I made a communication a few days ago directed to Lieutenant-Colonel Pierson, or the commanding officer of the post, and as I have not been favored with a reply, I infer that it has not reached you.

I now ask your attention to the points therein referred to, partly as a matter of just complaint on the part of prisoners and partly that the simple statement of facts may reach you, in the hope that an officer of rank who has seen active service in the field may not think such treatment the best or most honorable way of subduing an enemy.

First. Since the privates confined to hard labor have left the island, and also the private soldiers of the Confederate States, the officers confined here have been required to dig sinks, remove privies, and load piles of kitchen garbage in Johnson's carts. I need not inform you that such degrading duties are never performed by officers and are contrary to the usages of war among civilized nations, and not inflicted on Federal officers prisoners in Richmond. Such offices are the more humiliating as Mr. Johnson, proprietor of the island, has the benefit of the "garbage" as a manure, hauls it away, and could be easily required to load it with his farm hands, and as it is easily practicable to send us a few privates of our own army held as prisoners by your Government.

Second. The fuel supplied us (as no doubt also that of your own troops) is all green and of such trees, elm, linn, &c., as are never used as fuel in the army when in garrison. It gives no heat, and can only be consumed after constant effort by the use of the boards obtained from express boxes, which we eagerly look for more as fire kindling than for the contents so kindly contributed by relatives. Pardon me for saying that some one is defrauding your Government, as well as inflicting unnecessary punishment on us, not intended by your authorities. It is of frequent occurrence that our messes can cook no meals for an entire day, and that many have been compelled to get in bed by day in order to seek some warmth. In my own room we have been many hours without any fire during the day in the most inclement weather of this month.

Third. Our officers have been (and up to a recent date) frequently "fired on" by day and night by sentinels when by accident or to avoid

mud and water they have passed a few feet outside the line of stakes, but more frequently while passing to a privy at night, on the plea that "not more than one should enter them at the same time." If any such absurd rule has been adopted by your predecessor it has never been published in the yard.

Fourth. The water supplied by wells in the yard is often deficient, and during a thaw is chiefly supplied by surface drainage, unwholesome and of nauseous taste. When permitted to get water from the lake no fixed hours are allotted, and officers are often compelled to stand in the severest weather an hour waiting for the opening of the gate after notice has been sent into the yard, or go without water, as they often prefer to do.

Fifth. The meat supplied to the messes is, with a few exceptions, composed of necks, shanks, pieces of thin ribs, and other refuse parts, never in "quarters" of beef, as should be done, thus doubtless defrauding your Government. We are supplied with a very limited quantity of vinegar at all times, often none at all; with no vegetables, except occasionally hominy or beans, but excellent bread and coffee, and sugar in tolerable quality and quantity.

Our messes are not allowed to employ any one to make purchases of food in Sandusky, either for themselves or for the hospital, as Federal prisoners are permitted to do in Richmond, as I can assert from personal knowledge, confirmed by officers of your division now here.

The condition of the hospital in respect to bedding and food essential to invalids and convalescents, medicines, vessels, and attendance, calls earnestly for reform.

Permit me to express the hope that, so far as compatible with the orders under which you are acting, you will cause to be paid such attention to our wants as humanity suggests, and as we have the right to expect from one who has felt the hardships of war and would, therefore, mitigate its sufferings.

It is due to ourselves to add that we shall bear without a murmur to you all such restrictions and privations as are imposed on Federal officers now prisoners in the hands of the Confederate Government at Richmond, or which may be directed by orders from Washington.

We have felt it a duty to give our Government, as opportunity offered, a true and impartial account of our prison treatment here, and shall continue to do so as we best can. I hope you may find it compatible with your duties to visit the yard and look into the condition of things with your own eyes.

Respectfully, I am, your obedient servant,

I. R. TRIMBLE,
Major-General, Provisional Army Confederate States.

P. S.—It would be a great convenience to us if some distinct arrangement could be made by which we can use our money in paying for washing, cooking, and other incidental expenses.

I. R. T.

[Indorsement.]

HEADQUARTERS U. S. FORCES,
Johnson's Island, January 27, 1864.

The objection to the supply of water is not allowed. At the regular calls, from 10 to 12 a. m. and from 2 to 4 p. m., squads of fifty prisoners at a time are allowed, under proper guard, to draw water from the lake.

Lieutenant-Colonel Pierson having control of the administrative powers of the prison, and having no knowledge of the orders of the

general commanding to him on the subject, your attention is respectfully called to the inclosed letter of General Trimble.

Respectfully forwarded.

I. C. BASSETT,
Colonel Eighty-second Pennsylvania Volunteers, Commanding.

[Inclosure No. 3.]

HDQRS. HOFFMAN'S BATT., DEPOT PRISONERS OF WAR,
Sandusky, Ohio, January 26, 1864.

Col. I. C. BASSETT,
Eighty-second Pennsylvania Regiment, Commanding:

COLONEL: I respectfully call your attention to the condition of those prisoners who have made application to take the oath of allegiance.

Many of them have not concealed their sentiments, and the applications of others have become known or strongly suspected. There are also among these prisoners some cases of peculiar hardship. Many of these prisoners are very much afraid of secret assassination, and whether that fear is well founded or not it appears to me hard to keep men any great length of time in so uncomfortable condition if it is really designed to make them subjects of Executive clemency.

In a prison of so many officers of high rank of course the predominant sentiment is so rebellious that persons of different views are subject to much indignity, which will never come to the knowledge of the commanding officer, and it requires great moral courage to act against it, especially when the prisoner can for so long time get no relief.

In case the policy of the Government will not admit of speedy action in these cases, and they are to be retained here, I would recommend that the attention of the Commissary-General of Prisoners be called to the propriety of a separate inclosure and barracks being erected for them.

I have the honor to be, very respectfully, your obedient servant,
WM. S. PIERSON,
Lieutenant-Colonel Hoffman's Battalion.

[First indorsement.]

HEADQUARTERS U. S. FORCES,
Johnson's Island, January 28, 1864.

Respectfully forwarded for the consideration of the general commanding.

In many cases those applying for the oath of allegiance (if detected) are roughly used and their lives threatened by the prisoners to such an extent as to render it necessary to remove those threatened from the inclosure. Such being the case, a separate building is necessary for their protection.

I. C. BASSETT,
Colonel Eighty-second Pennsylvania Volunteers, Commanding.

[Second indorsement.]

HDQRS. U. S. FORCES AT SANDUSKY AND
JOHNSON'S ISLAND, THIRD DIV., SIXTH ARMY CORPS,
Sandusky, January 30, 1864.

Respectfully sent to the Commissary-General of Prisoners.

The recommendation of Colonel Pierson is fully approved. In the meantime I shall endeavor to give them all the temporary protection possible.

H. D. TERRY,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 1, 1864.

Brig. Gen. H. D. TERRY,
Commanding U. S. Forces, Sandusky, Ohio:

GENERAL: By authority of the War Department I have the honor to request that you will give the necessary orders for the transfer of Col. R. H. Lee, now a prisoner of war at Johnson's Island, to Fort Monroe, where he will be delivered to Major-General Butler, commissioner for exchange.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

SPECIAL ORDERS, No. 27. } HDQRS. DEPARTMENT OF THE GULF,
New Orleans, February 1, 1864.

* * * * * * *

Colonel Killborn, First New Orleans Volunteers, is hereby detailed for special duty as commissary of prisoners for this department, and will report to Brigadier-General Bowen, provost-marshal-general, for orders. Colonel Killborn will retain command of his regiment.

By command of Major-General Banks:

GEORGE B. DRAKE,
Assistant Adjutant-General.

CARROLL PRISON, *Washington, D. C., February 1, 1864.*

Colonel HOFFMAN:

SIR: Learning that I with two of my friends are confined in this prison under your charge as hostages for three negroes, captured in South Carolina, if it is allowed, it will afford me much pleasure to know at what time and place these negroes were captured, and if the United States Government will exchange us if these negroes are released by the Confederate Government. My reasons for wishing information on this point are that I may write to my friends and let them use their influence to effect this exchange. By giving me the necessary information you will much oblige,

Your obedient servant,

C. J. McDOWELL,
Company A, Second South Carolina Cavalry.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, February 3, 1864.

Respectfully submitted to the Secretary of War.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *February 15, 1864.*

Respectfully referred to the commissioner for the exchange of prisoners for remark.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Third indorsement.]

FEBRUARY 18, 1864.

These applicants were ordered to hard labor on the application of the Secretary of the Navy because of the confinement in Charleston of three colored seamen of the U. S. Navy. They might have permission to address a letter to the authorities in Richmond representing their case.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Fourth indorsement.]

WAR DEPARTMENT, *February 18, 1864.*

Approved.
By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, February 2, 1864.

ADJUTANT-GENERAL OF THE ARMY, *Washington, D. C.:*

GENERAL: I have the honor to transmit herewith copy of a cartel* for exchange of prisoners agreed upon by commissioners appointed by Maj. Gen. R. Taylor, C. S. Army, and myself, respectively, covering captures from our respective commands, with copies also of the correspondence in that matter.

I also inclose a list of prisoners of war included in this cartel who have been sent North at various times, and would request that said prisoners may be forwarded to this department to be turned over to Major-General Taylor in exchange for those whom he has already delivered to me.

It will be observed that this exchange was effected with the distinct announcement that the commissioner on my part could not entertain or discuss any proposition in which the rights as soldiers of the colored troops should be disregarded.

Very respectfully, general, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 22, 1864.

Respectfully submitted for the consideration of the Secretary of War.

The cartel of January 4, herewith inclosed, provides for the release on parole of the excess of Federal prisoners held by the enemy, to be exchanged for an equivalent number in our hands, this agreement being subject to the approval of the War Department.

The list of prisoners sent North, referred to by General Banks as inclosed in his letter, has not been received, nor have I received any notice of the arrival at the North of any prisoners from General Banks' department, except 222 officers captured at Port Hudson. I have reported to the Adjutant-General the exchange, which was completed

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* See January 4, 1864, p. 817.

under the cartel of the 12th of December, 1863, herewith respectfully indorsed. The correspondence referred to by Major-General Banks is on file in this office.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *March 23, 1864.*

Respectfully returned to the Commissary-General of Prisoners for the correspondence referred to within.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Third indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 23, 1864.

Respectfully returned to the Secretary of War, with the correspondence called for.* The list of 251 Federal officers and enlisted men exchanged and list of 449 enlisted men paroled remain in this office.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, February 2, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In obedience to your telegram I inclose the "correspondence between the U. S. authorities and the rebel authorities on the exchange of prisoners, and the different propositions connected with that subject," so far as they have come from my office.†

My reports and letters of instruction you have in the office at Washington.

I have the honor to be, very respectfully,

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. 2D SEPARATE BRIG., 8TH ARMY CORPS,
DEFENSES OF BALTIMORE,
Fort McHenry, Md., February 2, 1864.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to request in behalf of Mrs. Robert H. Carr, of Baltimore, a lady of devoted loyalty, great affluence, and distinguished benevolence, permission to visit West's Buildings Hospital, in the city of Baltimore, for the purpose of contributing by her gifts to the alleviation of the sufferings of its inmates. During the past

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*See Dwight to Stone, January 7, and the correspondence therein referred to, p. 816.

†See Butler to Ould, December 7, 1863, p. 658; Ould to Butler, December 9, 1863, p. 683; Hitchcock to Butler, December 17, 1863, p. 712; Butler to Ould, December 24, 1863, p. 752; Butler to Ould (four papers), December 25, 1863, pp. 754-756; Ould to Mulford, December 27, 1863, p. 769; Ould to Hitchcock, December 27, 1863, p. 768; Butler to Ould (five papers), January 12, 1864, pp. 836, 837.

two years Mrs. Carr has had, by authority from the different commanders of this corps, free access to the hospitals of the army in Baltimore and vicinity, but under the present orders, without permission from Washington, she states that admission is denied her to those hospitals where rebel prisoners are held. The unceasing kindness of this lady to our own sick and wounded soldiers entitles her request to as favorable consideration as the interests of the service will admit. Should it be deemed improper to give permission to Mrs. Carr to have personal interviews with the rebel prisoners in this hospital, she desires liberty to take to the matron such articles as, upon inquiry of her, she should ascertain would contribute to their comfort and not contravene the regulations of the hospital.

I am, colonel, with great respect, your obedient servant,

E. W. ANDREWS,
Assistant Adjutant-General.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 4, 1864.

Respectfully referred to Surgeon Simpson, medical director Middle Department, who will please report if there is any necessity for contributions of any kind to rebel prisoners at the West's Buildings Hospital to alleviate their sufferings; and if so, whether a deviation from the present regulations, as within requested, would be attended with any inconvenience.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

MEDICAL DIRECTOR'S OFFICE, MIDDLE DEPARTMENT,
Baltimore, February 5, 1864.

Respectfully referred to Surg. T. H. Bache, U. S. Volunteers, for report.

J. SIMPSON,
Surgeon, U. S. Army, and Medical Director.

[Third indorsement.]

WEST'S BUILDINGS HOSPITAL,
Baltimore, February 8, 1864.

Respectfully returned to the medical director.

I deem it not only unnecessary but highly improper for ladies to visit this hospital. It is no place for them excepting when a near relative is very ill. There is no absolute necessity to send contributions of any kind. Still, as it is difficult to conduct a hospital on a 20-cent valuation of the ration without contributions of food, I would be glad to receive contributions of wholesome food—not custards, cakes, jellies, and pies—provided the said food is not brought by ladies in carriages, as was formerly done, but sent by servants, as ladies generally send such articles from their houses. I sincerely hope the Commissary-General of Prisoners will not deviate in this case from the present regulations, which appear to me to be working well. Granting the within request will be attended with inconvenience. In behalf of myself I respectfully request that no interference with the affairs of this hospital will be permitted by those having no authority to do so.

THOS. HEWSON BACHE,
Surgeon, U. S. Volunteers, in Charge.

[Fourth indorsement.]

MEDICAL DIRECTOR'S OFFICE, MIDDLE DEPARTMENT,
Baltimore, February 9, 1864.

Respectfully returned to Col. William Hoffman, Commissary-General of Prisoners, whose attention is invited to the preceding indorsement by Surg. T. H. Bache, U. S. Volunteers, in charge of West's Buildings Hospital. The opinion expressed by him meets with my entire approval.

J. SIMPSON,
Surgeon, U. S. Army, and Medical Director.

CHICAGO, ILL., *February 2, 1864.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a thorough inspection of Camp Douglas, at this post, a detailed report of which I send herewith.

I shall leave to-morrow for Rock Island, Ill., and thence for Springfield, Ill.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

[Inclosure.]

Report of inspection of camps and field hospitals at Chicago, Ill., February 1, 1864, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Designation of camp—Camp Douglas. Commander of camp—Colonel De Land, First Michigan Sharpshooters; Brig. Gen. W. W. Orme, commanding district. Command and strength—prisoners of war, 5,581; Federal troops, 1,781; total, 7,362. Location of camp—southern limits of city. Water, source and supply—city water-works, twelve hydrants in camp, sufficient. Water, quality and effects—good. Fuel—wood and coal, abundant. Soil—light sand with about three to five inches of alluvial deposit on surface. Drainage—insufficient at present, but to be improved when weather permits. Topography—ground nearly flat, requiring artificial drainage. Police of camp—very much neglected. Discipline in camp—very lax. Duties in camp—such prisoners as desire to work are employed on the improvements now in progress. Tents or huts, position—barracks, all to be removed to the western division. Tents or huts, pattern and quality—one story, much dilapidated. Tents or huts, ventilation and removal—no ventilation. Tents or huts, heating—sufficient, by stoves. Sinks, construction, condition, and position—very good, built over central sewer and so arranged as to be flushed with water and drained into sewer, well covered in by closed sheds. Sinks, management—not well managed, buildings in bad police; little care would suffice to keep sweet and clean. Removal of offal, &c.—but carelessly attended to. Rations—abundant and of good quality. Cooking in camp—mostly done in well-furnished cook-houses, partly over camp-fires. Inspection of food—none after issue of rations. Portable ovens—bread of very good quality issued by commissary. Vegetables—sufficient. Cleanliness of men and clothing—

filthy. Quality of clothing—poor, brought by prisoners, donations, condemned United States. Quantity of clothing—apparently sufficient except overcoats. Blankets and bedding—supply sufficient. Condition of men—filthy except in hospital, where they are neat and clean. Hospital buildings, tents, police, discipline, diet and cooking, heat and ventilation—barracks in southern part of inclosure; chapel also used as hospital, containing sixty-six beds; police admirable; cooking well done and inspected; kitchens insufficient, but with utensils in very good order; diet good; no laundry, but one is in process of erection; washing at present done outside by contract. A new hospital for prisoners is in process of erection, containing four wards, with necessary accessories; each ward 100 by 28 by 13½ feet in dimensions, accommodating a total of 189 patients; will be well ventilated and in every respect well adapted for its purpose. Hospital capacity—234 beds at present. Number sick—prisoners in hospital, 234; in quarters, 250. State of medical supplies and surgical instruments—sufficient and in very good order. State of hospital records and accounts—very well kept. State of hospital fund—$246.21. Expenditures, January, $481.48, for articles of diet, washing, &c. Reports—well kept up. Requisitions—promptly filled. Medical attendance—sufficient; one surgeon, four acting assistant surgeons (one under arrest). Nursing—by convalescents and detail of prisoners. Interments—by contract in city cemetery. Diseases prevalent—pneumonia, chronic diarrhea, measles, typho-malarial and malarial fevers. Diseases zymotic—smallpox; at present twenty-six cases in smallpox hospital, twenty-five prisoners, one garrison. Diseases, mitigation and prevention of—everything is done that can be as far as hospital treatment is concerned; the condition of the barracks invites disease; vaccination strictly enforced in prison and garrison. Wounds and operations, recoveries from diseases, recoveries from wounds, mortality from diseases, mortality from wounds, military history, orders or advice: Prison—December report, total strength, 5,750; aggregate sick, 2,443; deaths, 57; per cent. of deaths to total strength, .0099; to sick, .023; average daily sick, 375. January, total strength, 5,581; aggregate sick, 2,960; deaths, 55; per cent. of deaths to total strength, .0098; to sick, .018; average daily sick, 486. Garrison—December report, total strength, 1,404; aggregate sick, 617; deaths, 6; per cent. of deaths to total strength, .0042; to sick, .0097; average daily sick, 265. January, total strength, 1,781; aggregate sick, 1,007; deaths, 11; per cent. of deaths to total strength, .0061; to sick, .010; average daily sick, 244.

Medical officers—Surg. A. F. Whelan, First Michigan Sharpshooters, in charge. Prison hospital—four acting assistant surgeons (Doctor Lee under arrest). Post hospital—two assistant surgeons, one acting assistant surgeon.

The commandant of the district, General Orme, is making several changes in the disposition of the camp, and from the confusion thus caused it is difficult to report on the general condition of the camp. It is proposed to remove the prisoners' barracks entirely into the western division of the camp, leaving the eastern division for Federal troops and the hospitals. The floors have been removed from the barracks to prevent the prisoners from tunneling underneath them. The floors of many of the barracks being several inches below the surface, the floors are hence constantly wet and muddy. I have suggested that the barracks be raised on posts two or three feet high, so as to afford a clear view beneath them and allow the prisoners the advantage of a floor. The cook-houses are not yet completely furnished, but this will be

arranged when the camp has again become quiet. The hospital and its accessories will, I think, by my return visit, be all that is necessary, and by that time the camp will be all that can be expected with the very lax discipline now enforced in the garrison. I have satisfied myself that every precaution possible is taken against the spreading of smallpox. Vaccination is thoroughly enforced, the pest-house is outside the limits of the general camp, and its management is all that can be wished.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 2, 1864.

Col. P. A. PORTER,
Commanding Fort McHenry, Baltimore, Md.:

COLONEL: By direction of His Excellency the President you will please forward Lieut. T. J. Hall, adjutant Thirty-seventh Virginia Cavalry, a prisoner of war at Fort McHenry, to Fort Monroe, where he will be delivered to Major-General Butler, commissioner for exchange. Mr. I. W. Monfort, military agent for Indiana, will take charge of Lieutenant Hall.

Very respectfully, your obedient servant,
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 2, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: The commanding general directs me to request that you will inform him on what grounds Surgeon Wright, of the rebel army, is detained in prison at Saint Louis.

I am, sir, very respectfully, your obedient servant,
A. F. PUFFER,
Captain and Aide-de-Camp.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, February 9, 1864.

Respectfully returned to Maj. Gen. B. F. Butler, commissioner for exchange.

W. S. Wright, surgeon Mitchell's regiment, was captured in Saint Louis County, Mo., February 11, 1863; was transferred from Saint Louis to Alton June 6, 1863; sentenced to be shot to death at such time and place as the major-general commanding Department of the Missouri may direct. General Order 39, Department of the Missouri.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 3, 1864.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Please have Oliver J. Baum, a prisoner at Fort Delaware, who claims to be a deserter from the Southern army sent to me.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General, Commanding.

FORT LAFAYETTE, *New York Harbor, February 3, 1864.*

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to inform you that 124 prisoners are now in confinement at this post. They are very much crowded, and I cannot conveniently accommodate any more.

I have the honor to be, colonel, your obedient servant,
MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

WASHINGTON, D. C., *February 3, 1864.*

Col. A. A. STEVENS,
Commanding Camp Morton, Indianapolis, Ind.:

COLONEL: Your letter of the 27th of January, reporting the shooting of a prisoner of war by a sentinel, is received.

The action of the sentinel in this case seems to be justified by the orders under which he acted; and it is very proper that very rigid orders should be given to the guard to provide against disorder among the prisoners or attempts to escape, but it is equally important that the prisoners should be made fully acquainted with the nature of these orders, that they may not ignorantly disobey them and thereby jeopardize their lives. The life of a prisoner must not be wantonly taken, and when there is a necessity for it, it must be clearly shown.

In this case your report would be more satisfactory if it showed that the prisoner persisted in disobeying the sentinel's orders by failing to return to his quarters after being repeatedly warned to do so. It is stated that on being ordered to halt and to return to his quarters he stopped and made some answer. On the order being repeated "the prisoner still refusing obedience" the sentinel shot him. Does this mean that the prisoner refused in words to obey the order or that he did not move when ordered, and if the latter, what was the interval between the giving of the order and the firing?

If the sentinel had been annoyed during his tour by prisoners approaching the fence against orders, this fact should have been established by the testimony of the sentinel near him. These and similar particulars are necessary to show how far the act was prompted by a sincere desire to perform his duty faithfully.

Your report appears to be based on that of the lieutenant of the guard, and there is nothing to indicate an investigation further than a questioning of the sentinel whose conduct was to be considered. The case was too important a one to be left in such inexperienced hands, and that the affair may be put in its proper light, I request you will make a full report from a personal investigation, giving all essential particulars.

We must strive to avoid giving the rebels an opportunity to charge us with following their barbarous example in shooting down unoffending prisoners on trifling pretexts.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS CAMP FERGUSON,
Lawrence County, Ark., February 3, 1864.

Col. R. R. LIVINGSTON:

DEAR SIR: Capt. E. O. Wolf, who goes to Batesville under a flag of truce with a detail of four men, will deliver to you four prisoners, soldiers of your command, captured by him on the ———. Their names, as they represent, are as follows: James W. Guion, corporal of Company L, Eleventh Missouri Cavalry; W. J. Ferguson, private of Company D, Eleventh Missouri Cavalry; Lewis Clark, private of Company D, Eleventh Missouri Cavalry, and William A. Adair, private of Company L, Eleventh Missouri Cavalry. I have paroled these men until they are exchanged for, and wish to have in return for them Jesse Ritchie, of Company K (Captain Wolf); Fry, of Company C; Peter Young, of Company I, and Washington Mitchell, a detailed teamster—all privates.

The above named, I believe, are all now prisoners at Batesville, and I desire to have the exchange made at once, so that Captain Wolf may bring them back on his return.

The four prisoners belonging to my command whom you agreed to have exchanged for the four sent by you with Captain Grace have not as yet reached my camp. I hope you will have them sent to me as early as possible. You informed me in your last communication that you were ordered to put to death all Confederate soldiers wearing the uniform of the U. S. Army. This cannot be a general order, or it is not always executed, for there are hundreds of our Confederate prisoners who have been taken in that uniform and afterward exchanged. Besides, the laws of war have always allowed one army to deceive another either by wearing the enemy's uniform or hoisting its flag. Furthermore, your own soldiers, when on the march through the country, frequently send their advance dressed in citizens' clothing for the purpose of deceiving us or the citizens, and if you should put to death all Confederate soldiers dressed in Federal uniform you could not blame me for putting to death all Federal soldiers taken without their entire uniform. Again, should any of my men be killed for wearing the above-named uniform it would engender a spirit of retaliation among my soldiers, and the result would be that the war in this section of the country would be carried on more like barbarians than civilized people.

You, I am sure, know that no one could prevent soldiers (or even blame them for it) from killing prisoners when their own comrades had been put to death after being taken, for the simple reason of wearing the enemy's uniform.

Such a state of things as would result from the execution of said order I do not wish to see; whenever prisoners have fallen into my hands I have endeavored to treat them as well or even better than my own men. Your men were stripped of their clothing before they reached me, and you cannot censure our soldiers for taking from yours whatever they wish, when your own scouts strip ours of all they want, including money and other private property.

Many of my command wear various articles of your uniform, which they have purchased from deserters from the Federal army, or others coming from Missouri, and it is not done for the purpose of deception (although I contend that would be lawful).

I would be glad if you would inform me in writing, through Captain Wolf, whether you intend to execute the above-named order upon regular Confederate soldiers, so that I may notify the department at headquarters and receive instructions as to the course I am to pursue.

There are hundreds of men, many of them belonging to no organized body of troops, who are running through the country claiming to belong to my command, for the sake of protection when captured. These men are doing the country and citizens great injury, and if they claim they shall not receive my protection. When such fall into your hands and claim to be my soldiers I hope you will investigate the matter. Many of those men do acts of violence both to citizens and soldiers which the laws of war can never justify, and frequently my soldiers are blamed for such acts. I have issued an order to have all such men punished severely whenever found, not only for the good of the country, but for the protection of my own soldiers.

I have many thanks to offer you for the bottle of fine old Bourbon you sent me through Captain Grace, and I regret exceedingly that I have not some of the same sort to send you in return, but the country cannot afford it, and my communications with other sections where it can be obtained is somewhat interrupted at present. I hope, however, it will not be the case much longer.

Most respectfully, your obedient servant,

T. R. FREEMAN,
Colonel, Commanding.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1864.

To the PRESIDENT OF THE CONFEDERATE STATES:

SIR: Your letter of the 30th ultimo, referring to this Department a resolution of the House of Representatives requesting to be informed "what steps have been taken to carry out the provisions of the act of Congress of the 13th October, 1862, chapter 62, in relation to the arrest and disposition of slaves who have been recaptured from the enemy, what number of depots for their safe-keeping have been established, and whether public notice has been given in the newspapers of their arrest, as provided in the said act," has been received. I have the honor to inclose General Orders, No. 25, of the current series, which shows the measures taken by the Department for the execution of the act of Congress cited.* There has been no return to this Department by the commandants of the camps of instruction of their proceedings under these orders. Some instances of publication under the third paragraph of the orders have come to the notice of the Department, and the orders themselves have been duly promulgated through all the departments and districts of the Army.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

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* The order was issued in 1863 (not current series); see Vol. V, this series, p. 844.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1864.

Dr. EDWARD WARREN,
Surgeon-General of North Carolina, Raleigh, N. C.:

SIR: Your letter of the 25th ultimo, asking passport to the United States for certain purposes, was referred to Robert Ould, esq., agent of exchange, who reports that he has proposed to the commissioner of exchange of the United States that the prisoners of war on each side shall be attended by a proper number of their own surgeons, who shall be permitted to take charge of their health and comfort and to act as commissioners, with power to receive and distribute contributions of money, food, clothing, and medicines.

Your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1864.

Brig. Gen. JOHN H. WINDER:

GENERAL: You will hold as prisoners of war, subject to orders of Robert Ould, esq., commissioner of exchange, Daniel Gould and his fifty-six associates, the subject of Isaac H. Carrington's, esq., report No. 492, who were captured in Upshur County, Va., while drilling as militia under orders of the treasonable government of Virginia.

By order of the Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

ANDERSONVILLE, GA., *February 3, 1864.*

Maj. A. M. ALLEN:

SIR: I received yours of the 14th of January, and have to thank you for your attention to the matter therein contained.

I shall soon have the Yankee prisoners at this post, and as I am instructed by the Quartermaster-General, first, to call upon the nearest commissary for supplies, I now write to know in what quantities you can supply me beyond the possibility of failure. In regard to corn and meal, I can relieve you of the trouble in that matter, as I can draw that in sufficient supply from the quartermaster's department, but I shall want beef, meat, flour, sugar, molasses, rice, soap, candles, &c. You can give me meat or beef as you please; sugar I shall only want for hospital purposes, and shall not require a large quantity of flour. I shall have 10,000 prisoners at this post, and you can easily calculate what I shall require. Mr. Harrold cannot begin to furnish me with one-half what I shall need. The beef which you turn over to me I do not want stripped of the tallow, as I intend to manufacture candles at this place. All beef which has been heretofore sent me by Mr. Harrold, he has (so he says) taken out the tallow by your orders. Please give your earliest attention to answering this, as I shall want to hear from you before I make other arrangements.

Very respectfully, your obedient servant,

R. B. WINDER.
Captain and Assistant Quartermaster.

WASHINGTON, *February 4, 1864.*

To the SENATE:

In compliance with the resolution of the Senate of the 26th ultimo, requesting "a copy of all the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners and the different propositions connected with that subject," I transmit herewith a report from the Secretary of War and the papers with which it is accompanied.

ABRAHAM LINCOLN.

[Inclosures.]

WAR DEPARTMENT, *Washington City, February 4, 1864.*

The PRESIDENT:

SIR: I have the honor to return herewith the resolution of the Senate of the 26th ultimo, requesting "a copy of all the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners and the different propositions connected with that subject," and to transmit a copy of the report of Major-General Hitchcock, commissioner for exchanges, with the accompanying papers.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., *February 4, 1864.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose a copy of "the correspondence between the authorities of the United States and the rebel authorities on the exchange of prisoners and the different propositions connected with that subject," called for by the Senate of the United States by resolution of the 26th ultimo.*

*See Ludlow to Hitchcock, January 16, 1863, Vol. V, this series, p. 181; extract from message of Jefferson Davis, *ibid.*, p. 193; Ould to Ludlow, January 17, 1863, *ibid.*, p. 186; Ludlow to Ould, January 14, 1863, *ibid.*, p. 178; Ludlow to Ould, January 18, *ibid.*, p. 189; Ludlow to Hitchcock, January 21, 1863, *ibid.*, p. 199; Ludlow to Ould, January 23, 1863, *ibid.*, p. 205; Ould to Ludlow, March 31, 1863 (beginning "In the delivery"), *ibid.*, p. 416; Ludlow to Ould, April 3, 1863, *ibid.*, p. 431; Ludlow to Ould, April 8, 1863, *ibid.*, p. 456; Ould to Ludlow, April 11, 1863, *ibid.*, p. 469; Ludlow to Ould, April 13, 1863, *ibid.*, p. 478; Ludlow to Ould, April 20, 1863, *ibid.*, p. 499; Ould to Ludlow, April 22, 1863, *ibid.*, p. 507; Ludlow to Ould, May 22, 1863, *ibid.*, p. 690; Ould to Ludlow, May 22, 1863 (second communication), *ibid.*, p. 691; Ould to Ludlow, May 22, 1863, *ibid.*, p. 690; Ludlow to Ould, May 25, 1863 (beginning "You threaten retaliation"), *ibid.*, p. 702; Ould to Ludlow, May 31, 1863, *ibid.*, p. 723; Ould to Ludlow, June 1, 1863, *ibid.*, p. 729; Ludlow to Ould, June 3, 1863 (two papers), *ibid.*, p. 737; Ould to Ludlow, June 5, 1863, *ibid.*, p. 745; Ould to Ludlow, June 5, 1863 (two papers), *ibid.*, p. 744; Ould to Ludlow, June 12, 1863 (two papers), p. 11, *ante;* Ludlow to Ould, June 14, 1863 (two papers), p. 17 and (beginning "General Orders, No. 100") p. 18; Ould to Ludlow, June 19, 1863 (beginning "On the 5th day of June"), p. 29; Ould to Ludlow, July 1, 1863, p. 71; Ludlow to Ould, July 7, 1863, p. 90; Ludlow to Ould, July 14, 1863, p. 116; Ludlow to Ould, July 15, 1863, p. 120; Ould to Ludlow, July 17, 1863, p. 125; Ludlow to Ould, July 22, 1863, p. 136; Ould to Ludlow, July 26, 1863, p. 151; Ould to Meredith, August 1, 1863 (beginning "In the Army and Navy Official Gazette"), p. 167; Meredith to Hitchcock, August 7, 1863, p. 185; Hitchcock to Meredith, August 13, 1863, p. 198; Halleck to Hitchcock, August 12, 1863, p. 199; Meredith to Ould, August 26, 1863, p. 227; Ould to Meredith, September 7, 1863, p. 265; Exchange Notice No. 6, p. 295; Meredith to Ould, September 14, 1863, p. 286; Ould to Meredith, September 14, 1863, p. 286; Hitchcock to Meredith, September 18, 1863, p. 300; Meredith to Hitchcock, August 25, 1863, p. 225; Hitchcock to Meredith, September 21, 1863 (beginning "The communication of the 3d instant"), p. 307; Meredith to Hitchcock, September 23, 1863, p. 312; Meredith to Ould, September 24, 1863, p. 315; Hitchcock to Meredith, September 26, 1863, p. 322; Ould to Meredith, October 2, 1863 (beginning "Your communication of the 24th"), p. 339; Hitchcock to Meredith,

This correspondence has been furnished by General Meredith down to the period when Major-General Butler entered upon duty in connection with the subject of exchanges and since then by General Butler himself.

I have added a copy of the instructions to General Butler on the subject, dated Fort Monroe, December 17, 1863, signed by myself, in conformity with your orders of the previous day, a copy of which is also annexed, and I have added a copy of the cartel so frequently referred to in this correspondence.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner for Exchanges.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 4, 1864.

Maj. Gen. E. A. HITCHCOCK, *Commissioner of Exchange:*

SIR: I have already forwarded a captain in exchange for Capt. William H. Irving, so that everybody delivered to us prior to the 20th of January has been duly exchanged, and there is no reason why the declaration should not be made. Please answer what are the objections to the declarations of exchange.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to inform you that the proposal to exchange Colonel Powell for Colonel Lee is accepted, and the latter has been ordered from Johnson's Island and will be reported to you as soon as possible. He will be delivered at City Point for Colonel Powell, who is already here.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

October 2, 1863, p. 336; Meredith to Hitchcock, October 8, 1863 (two papers), p. 361; Exchange Notice No. 7, p. 388; Meredith to Ould, October 17, 1863, p. 388; Ould to Meredith, October 20, 1863, p. 401; Ould to Meredith, October 27, 1863 (two papers), p. 428 and (beginning "I inclose to you a memorandum") p. 430; tabular statement of paroled prisoners (October 27, 1863), p. 431; Meredith to Ould, October 29, 1863, p. 441; Hitchcock to Meredith, October 30, 1863, p. 444; Ould to Meredith, October 31, 1863 (two papers), p. 452; Hitchcock to Meredith, November 6, 1863, p. 471; Meredith to Ould, November 7, 1863, p. 481; Meredith to Ould, November 12, 1863, p. 504; Ould to Meredith, November 21, 1863, p. 549; Meredith to Hitchcock, November 25, 1863, p. 565; Hitchcock to Meredith, November 23, 1863, p. 552; Hitchcock to Meredith, November 28, 1863, p. 590; Hitchcock to Butler, December 17, 1863, p. 711; Stanton to Hitchcock, December 16, 1863, p. 709; General Orders, No. 142 (announcing Dix-Hill cartel), Vol. IV, this series, p. 555; Butler to Stanton, February 2, 1864, p. 906, *ante;* Butler to Ould, December 7, 1863, p. 658; Ould to Butler, December 9, 1863, p. 683; Butler to Ould, December 25, 1863, p. 752; Hitchcock to Butler, December 17, 1863, p. 712; Butler to Ould, December 25, 1863 (four papers), pp. 754, 756 (first two communications), and (beginning "I beg leave to submit"), p. 757; Ould to Mulford, December 27, 1863, p. 769; Ould to Hitchcock, December 27, 1863, p. 768; Butler to Ould, January 12, 1864 (five papers), pp. 836, 837.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to request that you will exchange Mr. H. Cowdry, a citizen prisoner at Castle Thunder, for one of the four citizen prisoners which I send by flag of truce.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General Commanding and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Charles Kirk is held as a prisoner at McLean Barracks, Cincinnati, and may be offered in exchange for any newspaper reporter held as a prisoner by your authorities. It has been intimated that he may be received for Solomon Buckley, a correspondent of the New York Herald.

I have the honor to be, very respectfully, &c.,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please give me what information you can concerning the whereabouts and present condition of Private Peter Conway, First Virginia Regiment, captured September 11, 1863.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me if the body of Charles Sanders, Company I, Ninth Indiana Regiment, who died at Belle Isle, can be recovered.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts and condition of Edward H. Kitel, Company C, Fifth New York Cavalry.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD,
Confederate Commissioner for Exchange:

SIR: David Wood, esq., comes to me with an open letter to General Lee, and claims that he has some private and personal business with the general.

I have taken his parole not to make any disclosure that will be injurious to the United States, and have permitted him to go to City Point.

I believe Mr. Wood to be loyal to the United States, but I have no acquaintance with him; you can let him go forward or not. I have no interest in the matter.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to call your attention to the case of Thomas Hill, a citizen of the United States. He was living in West Union, Doddridge County, W. Va., and was captured April 30, 1863, while building bridges for Government use by order of General Roberts. He has been offered frequent paroles of Richmond by the Confederate authorities, but has refused them. He will accept no protection but that of the United States Government. He is now liable to conscription by the Confederate Government, and is not a subject for exchange.

This Government is willing to exchange a Confederate citizen for him. If you should not accede to these terms, why should we not imprison a Confederate citizen as hostage for him?

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD,
Confederate Commissioner for Exchange:

SIR: I send Mr. Thomas Ritchie, a surgeon, captured at Brandon, and his two overseers.

I do not ask any exchange for Mr. Ritchie, because I think he comes fairly within the spirit that surgeons shall be exchanged.

For the two citizens (overseers) who go with him I desire that you would send me some citizens whom you hold of ours.

I have the honor to be, very respectfully, &c.,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to request that you will give permission to Mrs. G. W. Latham, of Lynchburg, Va., to come North by flag of truce.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 4, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities consent to the exchange of Lieut. J. G. Doughty, of the Federal Army?

This Government is willing to give any Confederate officer of equal rank in exchange for him.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. MIDDLE DEPARTMENT, EIGHTH ARMY CORPS,
Baltimore, February 4, 1864.

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.:

SIR: In reply to your communication of the 3d instant I have the honor to make the following report in the case of Beal H. Richardson, Francis A. Richardson, and Stephen J. Joyce:

During the administration of Major-General Schenck these gentleman were sent South for publishing a disloyal sheet known as the Baltimore Republican. For some time previous to the publication of the article which caused the suppression of the paper its course had attracted the attention of General Schenck and every number breathed disloyalty to the Government and encouragement for the rebels. After due and thorough investigation these parties were sent South with strict orders not to return during the continuance of the present rebellion or to be considered as spies. In defiance of this order Francis A. Richardson and Stephen J. Joyce returned to the North by way of Nassau, running the blockade at Wilmington, N. C. They say that upon arriving in the rebel States they were waited upon by the enrolling officer and informed that unless they were exempted by age they would have to serve in the rebel army. The elder Richardson being so exempted remained in the South, while the other two, as shown above, ran the blockade, returning to New York, not changed in the least in sentiment, but as confirmed and malignant traitors as ever. The good effect produced by their banishment to the rebellious States would have been entirely done away with if Richardson and Joyce had been permitted to remain in New York. General Schenck communicated with General Dix upon the subject, requesting their arrest and transfer to this department for punishment as they deserve. Owing to some mistake this correspondence amounted to nothing, and I forwarded a report of the provost marshal of this army corps, Colonel

Fish, giving me the information that these men were still in New York talking treason boldly and openly, to the Adjutant-General, with the request that General Dix's attention should be called to the necessity of arresting Richardson and Joyce. Under instructions from the War Department they were arrested and forwarded to these headquarters, and in compliance with verbal orders from the Secretary of War I had directed that they should be confined in Fort Delaware during the continuance of the present rebellion.

I have the honor to be, sir, very respectfully, your obedient servant,

HENRY H. LOCKWOOD,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 4, 1864.

Col. WILLIAM WALLACE,
Commanding Camp Chase, Columbus, Ohio:

COLONEL: Your letter of the 29th instant, in relation to rations issued to prisoners of war in the Ohio penitentiary, is received. Please inform me of the conditions on which they are held in the penitentiary, at what rates per day per man, and what other charges. I have forgotten how these items were stated on the bills presented some time since, but I remember that there were charges for personal attendance on prisoners, in making purchases for them, in carrying messages, &c., which, if they are rendered, must be paid for by the prisoners themselves. There was a charge also for taking care of property, which should be stored with the quartermaster. Allow no expenses to be incurred except when it is unavoidable. Issues to the prisoners in the penitentiary will be governed by the same scale as for other prisoners.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

GENERAL ORDERS, No. 14. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 4, 1864.

The following order is published for the information of all concerned:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 1, 1864.

Exchange Notice No. 8.

1. All prisoners heretofore held by the U. S. authorities, whether officers, soldiers, or civilians, received at City Point before the 1st of January, 1864, are hereby declared exchanged.

2. All officers and men of the Vicksburg capture, who reported for duty at Enterprise, Miss., at any time prior to the 14th of November, 1863, and whose names were forwarded to me by Maj. Gen. John H. Forney, are declared exchanged.

3. All officers and men of the Vicksburg capture belonging to the First Tennessee Heavy Artillery, who reported for duty at Marietta, Ga., and whose names were forwarded to me by Col. A. Jackson, are declared exchanged.

RO. OULD,
Agent of Exchange.

By order:

S. COOPER,
Adjutant and Inspector General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 5, 1864.

Maj. Gen. B. F. BUTLER:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 1st instant, inclosing a letter addressed to a rebel prisoner and inquiring as to the whereabouts of Private Anderson.

The letter will be forwarded to its address, as required; but I will not be able to answer the inquiry in relation to Private Patterson unless I am informed whether he is a Federal or rebel soldier, and his company and regiment be given, with time and place of capture.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 5, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: You will please inform me whether Lieut. R. W. Neff, Fourth Ohio Volunteers, who was wounded in the head on the 20th September, 1863, at the battle of Chickamauga, is still living and a prisoner. If he died, what disposition was made of his body?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

[UNOFFICIAL.] CONFED. STATES OF AMERICA, WAR DEPT.,
Richmond, February 5, 1864.

Maj. JOHN E. MULFORD:

SIR: You are authorized in reply to the information conveyed by the letter* of Major-General Butler to yourself, submitted to my perusal, to say to him that the Confederate Government has always admitted and insisted on the obligation of the cartel according to its just and true construction, especially in reference to its cardinal principle, which requires the prompt return of all prisoners within ten days after their capture, and the settlement of prescribed equivalents, as the number respectively held, or subsequently captured, will allow. The interruption in the regular execution of the cartel has, as my Government has throughout maintained, been due to no failure or disinclination on its part to comply with it, and we are prepared and will be pleased to resume its execution.

The authorities of the United States have only in pursuance of this cardinal provision of the cartel to send forward the prisoners held by them, and they will be promptly met by corresponding action on the part of my Government. Satisfactorily assured of the purpose of the Federal Government to observe and execute the cartel, my Government will proceed, as promptly as the location and condition of the prisoners held by it will allow, to forward them on parole in pursuance of the cartel. Some delay may be inevitable, as portions of the prisoners have been removed to distant parts of the Confederacy where supplies could be more readily furnished them. When deliveries have been

* Not found.

thus mutually resumed I shall expect to meet Major-General Butler within the limits of his department for the purpose of adjusting such details as may be necessary and proper.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

WASHINGTON, *February 6, 1864.*

Major-General BUTLER, *Commanding:*

SIR: It is understood that the exchanges proposed through the citizen prisoners Shackleford and others may be effected, provided we on our side disclaim the purpose of claiming the right to select both parties for exchange. I will thank you to instruct Major Mulford to inform Mr. Ould distinctly that we do not claim such a right in any manner.

By order of the Secretary of War:

E. A. HITCHCOCK,
Major-General.

HDQRS. DISTRICT OF NORTHEAST ARKANSAS,
Batesville, Ark., February 6, 1864.

Col. T. R. FREEMAN, C. S. Army:

I am directed by the colonel commanding to acknowledge the receipt of your communication under date 3d instant, conveyed under flag of truce by Captain Wolf, and rendering up four Federal soldiers, prison-of war, to be exchanged for four others, to wit, Jesse Ritchie, of Company K (Captain Wolf), Fry of Company C, Peter Young of Company I, and Washington Mitchell, a detailed teamster, who are herewith returned to you through Captain Wolf. The colonel commanding wishes me to state that he has no alternative in regard to the wearing of Federal uniforms by the enemies of the United States. When his men are caught wearing your uniforms they must stand the consequences, but where they are in their own regular uniform of the arm of service to which they properly belong, he expects you will treat them kindly and as your own men are treated by him. Should your soldiers retaliate unjustifiably upon his men, he desires me to state that he will treat them as murderers. He does not object to your killing his men if you catch them in Confederate uniform, and will carry out his orders with regard to all Confederates wearing the uniform of the United States.

Very respectfully, your obedient servant,

H. C. FILLEBROWN,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 6, 1864.

Brig. Gen. H. D. TERRY,
Commanding U. S. Forces, Sandusky, Ohio:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 1st instant, inclosing report of inspection of the depot and other papers. The immediate removal of the rebel officers from the depot will give an opportunity to put the barracks and police of the prisoners in a proper condition. Such improvements in the barracks for ventilation and other necessary purposes should be made as soon as practi-

cable, as there will be prisoners enough to fill them up very soon. Colonel Hill suggested to me some time since the propriety of moving the rear fence back some sixty feet, which I approved, and I recommend that it be done at once. The sinks heretofore prepared have been of too temporary a character, being altogether too shallow, and if possible they should be sunk fifteen to twenty feet. The rock is of a peculiar character and difficult to blast, but I presume it can be done. The original plan of the depot contemplated that wells should be dug at various places within the inclosure, but it was abandoned in consequence of the want of intelligent laborers to do the blasting and an arrangement for obtaining the water from the bay adopted in its place. This answers very well for summer, but not for winter. I presume it will be impossible to remedy this defect while the ground is full of water.

On the removal of the officers I presume your brigade will be relieved from duty at the depot, as the Ohio regiment under Colonel Hill will be ample for the purpose of guarding all the prisoners that can be accommodated there.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS SAINT LOUIS DISTRICT,
Saint Louis, February 6, 1864.

Col. J. B. ROGERS, *Cape Girardeau:*

I much regret you failed to restrain your men from the unlawful proceedings resulting in the hanging of Bolin. Such acts of violence demoralize both soldiers and citizens. Take prompt and decisive steps to restrain further violence toward the prisoners yet in custody. I would prefer that no such villains be taken prisoners, but after they have been captured and imprisoned within our lines, law and order and the well-being of the community imperatively demand that they receive a proper trial, and be punished for their crimes in the manner prescribed by law.

CLINTON B. FISK,
Brigadier-General.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 7, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me if the remains of Maj. George W. Stough can be recovered. He was wounded and taken prisoner at the battle of Chickamauga, and died in Libby Prison.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 7, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to call your attention to the fact that Surg. I. F. Galloupe, Seventeenth Massachusetts Volunteers, and Asst. Surg.

R. T. Baker, Twelfth New York Cavalry, were captured at New Berne, N. C., on the 1st instant, and are now in the hands of your authorities.

I have, therefore, to request that you will cause these officers to be sent here by the next flag of truce.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 7, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities make a special exchange of Lieut. Greenleaf Cilley, Fourth Ohio Volunteers, a prisoner of war at Libby Prison?

This Government is willing to give any officer of equal rank in the Confederate service for him.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HEADQUARTERS CORPS D'AFRIQUE,
Port Hudson, La., February 7, 1864.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners:

GENERAL: A long and serious illness has prevented my answering your communication of December 2, 1863, which reached me after much delay, until now.

The letter from an officer at this post to which you refer was unauthorized and the statements therein made were unsupported by any evidence. There have been many rumors and many statements based upon hearsay evidence, to the effect that our colored soldiers have been hung or shot by the rebels; but until very recently I have had no positive evidence of the facts. A man from Jackson, La., has recently made a statement at Baton Rouge, under oath, that just after the affair at Jackson, La., last August between a detachment of colored troops from this place and a large force of rebels under General Logan, he saw a rebel Lieutenant Shattuck shoot some wounded colored soldiers then lying on the ground. This is confirmed by the statements, under oath, of two colored men who came from Jackson last week. They also state that captured colored soldiers were at that time taken into the wood by rebel soldiers, who afterward stated that they had shot them. And these colored men say that they afterward found in that direction the bodies of several colored soldiers.

At the time of the affair above mentioned I sent a communication to the rebel General Logan, informing him of rumors and reports concerning the shooting, hanging, and ill-treatment of colored soldiers, and calling upon him to disavow such acts and punish the perpetrators. He replied, denying that such acts had been committed. This matter has been reported to Major-General Banks and the papers recently obtained have been sent to him, and I am informed that a communication on the subject is to be sent immediately to the rebel commander in this department.

I am satisfied that rebel soldiers, with the connivance and assistance of their officers, have abused and shot some of our captured colored soldiers. I am of the opinion that no captured officers of colored troops have been shot, but that they have been abused more or less. As already observed, it is only within a few days that I have been able to obtain any positive, reliable evidence of the perpetration of these outrages, although I have made every effort to obtain such evidence. All the rebel prisoners claim to know nothing of the matter. I learn that the Texan troops in Western Louisiana openly state that they will take no colored soldiers prisoners. This statement is made by Texan refugees.

I believe I have now given you the substance of the information in my possession on this subject.

I am, general, respectfully, your obedient servant,

GEO. L. ANDREWS,

Brig. Gen. of Vols., Comdg. Corps d'Afrique and Post of Port Hudson.

RICHMOND, VA., *February 7, 1864.*

Maj. Gen. H. COBB, *Atlanta, Ga.:*

GENERAL: I am about to establish a cantonment at Andersonville, in your State, for the safe-keeping of the Federal prisoners now in this city, numbering from 10,000 to 12,000, and I am greatly in want of an efficient commander for so important and responsible a command.

It is due to Georgia that this commander should be a citizen of the State in which the cantonment is situated, in order, as far as possible, to allay any sectional prejudices which might be anticipated.

The officer for the command should be one holding the rank of either brigadier-general or colonel, unassigned by reason of wounds or other disability. Can you recommend such a one? I ask this of you from your known acquaintance with the citizens of your State. Colonel Magill, of First Georgia Regulars, has applied to me for the situation, but I fear he will not answer, and I understand further that his record is not altogether such as would entitle him to so responsible a command.

I would have desired that the entire guard for that cantonment should be composed of Georgia troops, but this appears to be impossible on account of the threatening aspect of affairs in Georgia in the approaching campaign, which will require every able-bodied man from the State for the field.

I propose, therefore, making arrangements for drawing a sufficient force for the purpose from your late command in Florida, believing that a large portion of that force will be composed of former residents of Georgia, who have emigrated to Florida.

Please let me hear from you soon, either by mail or telegraph, the latter preferable if you can in that way answer my question definitely.

Very respectfully, your obediant servant,

S. COOPER,

Adjutant and Inspector General.

HEADQUARTERS DEPARTMENT OF HENRICO,

Richmond, February 7, 1864.

General S. COOPER, *Adjutant and Inspector General:*

GENERAL: In obedience to your instructions I have the honor to state that I propose to send the prisoners to Andersonville, Ga., by the

way of Raleigh, N. C., and Columbia, that route being preferred by the officer in charge of transportation. They will be sent in detachments of 400, daily, which will require a guard of fifty privates, three officers, and four sergeants and four corporals.

I propose that the guard from here shall be relieved at Weldon, and return immediately; that guard from Weldon be relieved at Augusta, return immediately to Weldon; the guard from Augusta to go to Andersonville. I propose to place an officer at Charlotte, N. C., and one at Augusta, to procure, cook, and distribute the rations to the prisoners.

I have just received a note from Colonel Sims, superintendent of transportation, that the prisoners will be sent by Gaston, instead of Weldon. I request that the troops intended to relieve the guard from here be ordered to repair to Gaston, twelve miles from Weldon, and there relieve the guard.

Respectfully,

JOHN H. WINDER,
Brigadier-General.

WASHINGTON, D. C., *February 8, 1864.*

Maj. Gen. B. F. BUTLER, *Commanding, &c., Fort Monroe:*

SIR: In answer to the inquiry contained in yours of the 4th instant, in reference to the "objections" to your declaration of exchange, I will briefly say that it is more comprehensive than any we have a right to issue, under existing circumstances. You are in error in supposing that only 750 men are affected by it. The number on parole declared to be exchanged by your order, reduced to privates, is 2,921, exclusive of 87 civilians, according to an official statement before me from the Commissary-General of Prisoners.

You were permitted (by the instructions authorized by the Secretary of War) to hold in abeyance questions of difficulty between the belligerent parties pending at the time you entered upon the duties of exchange, but you were not authorized to ignore those questions.

Your declaration would have admitted defense if you had extended it to a number precisely corresponding to the number delivered by yourself according to the fifth article of the cartel, supposing that instrument operative. In that case, however, the declaration should have set out the grounds of it, and a proper list of those declared to be exchanged should have been furnished for announcement from the Adjutant-General's Office for the information of all concerned, and Mr. Ould should have been furnished a list of those delivered to him.

If the cartel was not the basis of your action, then you could only make a declaration after conference with the enemy and in conformity with a special agreement, both parties assenting. The cartel is not held to be binding by either party, but inasmuch as it has not been formally annulled, both parties may continue to use its provisions by a sort of implied assent, but neither party can assume to act independently and make *ex parte* declarations founded neither upon the cartel nor the laws of war.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Volunteers and Comissioner for Exchange of Prisoners.

WASHINGTON CITY, D. C., *February 8, 1864.*

Maj. Gen. B. F. BUTLER,
Commanding, &c., Fort Monroe, Va.:

SIR: It has been intimated from Richmond that if we will consent to exchange General Lee and two officers of the grade of captain the rebel authorities will give us General Dow and Captains Sawyer and Flinn. If you can obtain the assent of the rebel authorities to this exchange, making sure that we shall receive Captains Sawyer and Flinn, the exchange can be made, and General Lee will be sent to you for the purpose.

By order of the Secretary of War:

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 8, 1864.

Brig. Gen. G. J. STANNARD,
Commanding U. S. Forces, City and Harbor, N. Y.:

GENERAL: In consequence of the crowded condition of the prisoners at Fort Lafayette, by authority of the Secretary of War, I have respectfully to request you will order the officers of the rebel army held at that fort as prisoners of war to Fort McHenry, Baltimore, with the following exceptions: Maj. Gen. Franklin Gardner, Brig. Gen. W. H. F. Lee, and Capt. R. H. Tyler. I have also to request you will order thirty-five of the citizen prisoners from Fort Lafayette to Fort Warren, Boston Harbor. Please order officers and enlisted men of the old army at Fort Columbus to be transferred to Fort McHenry, and officers or seamen of the rebel navy to Fort Lafayette. Should any of the prisoners ordered to Fort McHenry, being invalids, require to be placed in hospital, please order them to the West's Buildings Hospital, at Baltimore. This transfer is not made with a view specially to exchange, and it embraces all, whether desiring exchange or not. Have notice given to the commanders of Forts McHenry and Warren.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS POST OF CHICAGO,
Chicago, Ill., February 8, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: In reply to your letter of January 4, requesting the whole matter of rations to be thoroughly investigated, to ascertain how far and in what articles the provisions furnished have been inferior in quality to what is required by the contract; to what extent and in what articles the issues have been short in the number of rations and the weight of the articles, and to whose gain these deficiencies in quality and quantity inured, I have the honor to report that I have had the whole matter of rations thoroughly investigated and have gathered all the evidence and information I could find, and have arrived

at the following conclusions: That all serious complaints concerning the rations refer to a period of time prior to the first week or ten days in December. The rations for the garrison and prisoners of war have been furnished at Camp Douglas by the contractors direct and not through a regular commissary. Prior to the 10th day of November, 1863, the contractors were E. S. Fowler, R. E. Goodell, E. L. Baker, and John McGinnis, jr., composing a firm called E. S. Fowler & Co., under a contract dated April 11, 1863. Since November 10, 1863, and by contract of that date, the contractors were the same individuals, but passing under the firm name of John McGinnis, jr. & Co. All parts of the ration except fresh beef have been issued by the contractors or their clerks direct to the troops and prisoners of war. Fresh beef has been issued by sub-contractor named Curtis direct to troops and prisoners of war. Bread has been delivered by sub-contractors, Kendall & Sons, at the camp and issued by the contractors. In the contract of April 11, 1863, the article of pepper is omitted from the ration named in said contract. As to the different parts of the ration, the evidence, in my opinion, establishes: First, that the pork and bacon has not been inferior in quality or quantity to what is required by the contract. Second, the salt beef used has been a good article. Third, that the fresh beef has been deficient both in quality and quantity, as a general rule only the poorer parts of the beef being issued and in quantities below the proper weight; that this deficiency has been in quality and quantity to an extent of from 20 to 40 per cent. and has inured to the benefit of the sub-contractors furnishing and issuing it at the camp (the deficiency in quantity, however, only extends to the beef furnished to prisoners of war). Fourth, the flour has been a fair merchantable article and not deficient in weight. The bread has been of good quality, but there have been complaints as to deficiency in quantity or weight of fresh bread. I am inclined to the conclusion, however, that it has been generally correct in quantity and that confusion has arisen from the use of three different sizes of loaves—one a proper ration loaf of twenty-two ounces; one a loaf of twenty ounces called the cottage loaf, and the third a loaf of forty ounces called the home-made loaf, the two last described loaves being made for city use. The ration loaf was usually counted when issued and the others weighed, and although complaint has been made of the shortness of weight of bread, I cannot conclude, from all the evidence before me, that it has been so, nor that any benefit has inured to any party from such deficit, if it exist. Fifth, the beans have been of good quality, but have been short in quantity one-half, the ration of beans having been one-half beans and one-half peas, the peas issued being whole peas and declared by some of those using them as too hard, while others have preferred them. As the peas and beans are fixed at the same price in the contract, I cannot state that any benefit has inured to any one by this occurrence. Sixth, rice and hominy have not been deficient in either quality or quantity. Seventh, ground coffee was issued prior to December 1, 1863, and was everything else but pure ground coffee, as indeed might be evident from the contract price—10 cents per pound—while green coffee was contracted for at 30 cents per pound. The contractors kept on hand green coffee, but it does not appear from the evidence of soldiers and prisoners that they were informed that they could draw green coffee, and, as a general rule, they received the article named "ground coffee," but it does not appear that a large number of the officers were so informed, and Colonel De Land, who was in command of the camp since August, 1863, testifies: "In regard to coffee, I never paid any attention to that, for I instructed all persons

not to draw ground coffee, but to call for the green coffee, a good supply of which was always kept on hand." I am advised that Colonel Kilburn, chief commissary of Department of the Ohio, procured and has a full statement of respective amounts of green and ground coffee actually issued at Camp Douglas. Eighth, very little tea has been drawn and no complaints preferred in regard to it. Ninth, sugar has been of a fair merchantable quality and no deficiency in quantity. Tenth, vinegar, candles, salt, and potatoes have been of a fair merchantable quality and not deficient in quantity. Eleventh, soap, pepper, and molasses have not been deficient in quantity, but have been deficient in quality and such deficiency, except as to pepper prior to November 10, 1863, has inured to the benefit of the contractors. Twelfth, the rations issued to the hospital: Surgeon Whelan testifies that he has examined every issue of rations to the hospital since September 1, 1863, and that they have been of good quality and full weight; that he has had no cause of complaint either in rations or purchases. The latter were promptly furnished of as good quality as the market afforded and at lower prices than he could purchase himself. Complaints have been made and substantiated that the contractors in buying back the rations saved by companies would not pay the contract price. Discovering no obligations on the contractors to buy back the rations, I simply give the fact without comment. Regretting the delay in furnishing this report (which has been unavoidable, however), it is now respectfully submitted.

I have the honor to be, colonel, yours, respectfully,

WM. W. ORME,
Brigadier-General, Commanding.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 16, 1864.

Respectfully submitted for the information of the Secretary of War.

A statement from the contractors, Messrs. Fowler & Co., with other papers furnished by them, viz, a copy of their contract, a certificate of Colonel De Land and other officers, and the affidavit of James M. Horsford, clerk in the subsistence department, are also herewith submitted. It appears from the report of Brigadier-General Orme that all the stores furnished by Fowler & Co. were of good quality and not deficient in quantity, except in the article of beef, which was deficient in quality and quantity from 20 to 40 per cent., and in the articles of soap and molasses, which were deficient in quality, and I would respectfully recommend that the contractors be required to make good in money the deficiencies in beef, soap, and molasses, at such rates as may be determined by Brigadier-General Orme, this money to be paid into the post fund or the prison fund, according as the deficiency rations were due to the troops or the prisoners of war. It is due to the contractors to say that it does not appear to have been their wish or their intention that there should be any deficiencies in the beef. This must be attributed to their sub-contractors. There has been great neglect in the officers at Camp Douglas who had the matter in charge, more particularly Colonel De Land, whose duty as the commanding officer and as inspector under the contract requires him to see that his command received the rations which they were entitled to under the contract, and for his neglect of this duty I respectfully recommend that he be brought before a court-martial.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *February 17, 1864.*

Approved and respectfully returned to the Commissary-General of Prisoners for the action recommended by him.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General.

[Inclosure to first indorsement.]

FEBRUARY 13, 1864.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

SIR: In pursuance of the privilege which you have granted us we would state that upon our obtaining from the Government the contract to subsist the prisoners and soldiers at Camp Douglas, we sublet the furnishing of fresh beef to Messrs. Curtis & Co., butchers of Chicago, they contracting and agreeing to fill all requisitions made upon us for fresh beef and to furnish a good article and of just weights; that accordingly, upon issuing days, when a requisition was made upon us, we gave the commissary-sergeants beef orders upon Messrs. Curtis & Co., specifying the exact amount of the requisition; that the commissary-sergeants took these beef orders themselves directly to Messrs. Curtis & Co., by whom the beef was weighed, issued, and delivered over to the sergeants; that we settled with Messrs. Curtis & Co. for the amounts called for in the requisitions, paying them for as many pounds of beef as these called for, and consequently we not only had no interest in or benefit of any kind from the alleged short weights of Messrs. Curtis & Co., but we were entirely ignorant that the proper quantity and quality of beef were not at all times issued; that no complaints were ever made to us by soldiers or officers about the beef issued by Messrs. Curtis & Co., either as to quantity or quality. On the contrary, we were given to understand by Colonel De Land, commandant of the post, and, by the terms of the contract, inspector of the subsistence stores, also by the line officers of the military guard, by the commissary of the regiment on duty, and by the overseeing clerk of the contracting commissary of the Government that they were satisfied entirely, and that there were no complaints made in reference to the beef, as will appear from their certificates made to General Orme, copies of which are herewith presented. To the same effect are the reports of Captain Barringer, U. S. inspector, sent directly to Camp Douglas by the Commissary-General's Department. His reports are on file in General Taylor's office. Under these circumstances we think it unjust for the Government, after the contracts have been completed and no complaints having been made, to come upon us for reclamations for no fault or dereliction of our own. Had we at the time been advised by those receiving the beef or by those whose duty it was to inspect it that it was not of good quality or just weight, we would at once have applied the proper remedy, but we could not mend a wrong which we did not know to exist and from which no benefit of any kind ever accrued to us. We make this statement in justice to ourselves and in the hope that the Government will not hold us accountable for wrongs not committed by us.

Very respectfully,

E. S. FOWLER & CO.

P. S.—We would further add that Colonel De Land, commandant of the post, Mr. Horsford, Government agent in supervision of the camp, and the officers in charge of troops and prisoners were again and

again requested by us to report at once any deficiency in the rations that might occur, with the assurance that we would promptly correct it, and we heard no complaints whatever.

E. S. F. & CO.

[Sub-inclosure No. 1.]

FEBRUARY 6, 1864.

The undersigned officers have been on duty at Camp Douglas and have had opportunities to know about the character of the rations issued there to the troops, and state that they have been as good as rations at any other camp they have been in, and much better than usual; that it was generally known that coffee in the berry was kept on hand and might be drawn by those who preferred it to the ground coffee; that the beef was generally good beef and not short in quantity as far as they heard or knew, and that, as officers, they were always allowed to buy supplies at contract price.

C. V. De Land, colonel First Michigan Sharpshooters; John Piper, major First Michigan Sharpshooters.

As to anything but fresh beef:

Levant C. Rhines, captain Company A, First Michigan Sharpshooters; Joseph O. Bellair, first lieutenant Company F; Andrew J. Hall, captain Company H; Ira L. Evans, first lieutenant Company E; C. G. Conn, second lieutenant Company G; E. V. Andress, captain Company K, First Michigan Sharpshooters; M. A. Powell, first lieutenant Company G; William J. Driggs, first lieutenant Company K; Guy Newbre, second lieutenant Company A; Hooker A. De Land, captain; Lucien Meigs, captain Company C; Thomas R. Fowler, first lieutenant Company C; Samuel E. Hudson, Company D, first lieutenant; H. V. Hinckley, lieutenant, Company E, First Michigan Sharpshooters; G. A. Graveraet, second lieutenant Company K; William Ruddock, second lieutenant Company H; William H. Randall, second lieutenant Company I; George Fowler, first lieutenant Company H.

[First indorsement.]

HEADQUARTERS MICHIGAN SHARPSHOOTERS,
Camp Douglas, February 6, 1864.

I have seen the beef often and seen too many necks, shanks, and flanks. Rounds sometimes cut out. I could not get good tea of the commissary. It was difficult for me to get anything for my family table, but this was chiefly beef or tea. In general I believe the ration was good and full with above exceptions.

WILLIAM H. H. BEADLE,
Lieutenant-Colonel First Michigan Sharpshooters.

[Second indorsement.]

I fully concur in the statement made at the commencement of this paper.

GEORGE H. MURDOCK,
Captain Company I, First Michigan Sharpshooters.

[Sub-inclosure No. 2.]

STATE OF ILLINOIS, *County of Cook, ss:*

James M. Horsford, being duly sworn, deposes and says that he has acted as clerk for Capt. N. W. Edwards, commissary of subsistence,

since May, 1863, and that he was directed by Captain Edwards to oversee the issuing of rations at Camp Douglas, with special reference to their quality and the amount furnished to those entitled to draw the same; that he had been in the discharge of this duty during the entire time since the arrival of prisoners of war at Camp Douglas, in August, 1863, seldom being absent from the commissary department during the hours of issuing rations; that he has given his attention to the quality of the rations, and in a few cases when inferior articles were delivered at the commissary building he knows that the same were promptly rejected and sent out of camp by Mr. King, the agent of E. S. Fowler & Co., special contractors; that but few complaints have ever been made of the quality of the rations, and in such cases the agents or clerks have uniformly arranged the matter to the satisfaction of all concerned; that he has frequently heard Mr. McGinnis (one of the firm of E. S. Fowler & Co.) give directions to the agents and clerks to issue none but good rations and such as were required by the contract; that in the discharge of his duties at Camp Douglas he has frequently had occasion to converse with the commissary-sergeants, to whom rations were issued, relative to the same, and has not had any serious complaints made to him of the quality or quantity of the rations furnished; that by this statement he does not wish to be understood that minor complaints have not been made, as for instance, such as an occasional barrel of pork having been opened after being issued and found unsound, but he declares that in every such case, according to his best knowledge and belief, the articles thus found of inferior quality have been promptly taken back and sent out of camp and the parties to whom they were issued supplied fully with good articles in return therefor; that it has been his duty to see that the prisoners of war and others drawing rations at the commissary department were justly and honorably dealt with, and has to the best of his ability given faithful attention thereto, and believes they have received just and proper rations, both in quality and quantity, at all times.

JAMES M. HORSFORD,

Subscribed and sworn to before me this 11th day of January, A. D. 1864.

T. B. BROWN,
Justice of the Peace.

[Sub-inclosure No. 3.]

Articles of agreement entered into this 10th day of November, 1863, between Ninian W. Edwards, captain and commissary of subsistence in the U. S. Volunteer service, on the one part, and John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell, all of Springfield, in the county of Sangamon and State of Illinois, doing business under the name and firm of John McGinnis, jr., & Co. This agreement witnesseth that the said Ninian W. Edwards, for and on behalf of the United States of America, and the said John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell, their heirs, executors, and administrators, have covenanted and agree with each other as follows, to wit:

First. That the said John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell, their heirs, executors, and administrators, shall supply or cause to be supplied and issued at any post or place in the Military District of Illinois (except in the county of Sangamon and the general hospital at Quincy), commencing in the county of

Cook on the 1st day of December, 1863, and at all the places on the 1st day of January, 1864, and ending June 30, 1864, or such earlier day as the Commissary-General may direct, all of the rations to consist of the articles hereinafter specified that shall be required for the use of the U. S. troops, prisoners of war, or others entitled to draw rations from the United States, that are or may be at any such posts or places.

Second. That the articles composing the ration and the price to be paid therefor are as follows, to wit: 100 rations of pork or bacon, 75 pounds, at 5 cents per pound, or 100 rations of fresh beef, 125 pounds, at 4 cents per pound; 100 rations of flour or fresh bread, 137½ pounds, at 3 cents per pound; 100 rations of beans or peas, 15 pounds, at 4 cents per pound; 100 rations of rice, 10 pounds, at 8 cents per pound, or 100 rations of hominy, 10 pounds, at 2 cents per pound; 100 rations of best Rio coffee, 10 pounds, at 32 cents per pound, or 100 rations of tea, 1½ pounds, at 80 cents per pound; 100 rations of brown sugar, 15 pounds, at 13 cents per pound; 100 rations of vinegar, 4 quarts, at 2½ cents per quart; 100 rations of adamantine candles, 1¼ pounds, at 16 cents per pound; 100 rations of soap, 4 pounds, at $4\frac{3}{16}$ cents per pound; 100 rations of salt, 3¾ pounds, at 1 cent per pound; 100 rations of pepper, 4 ounces, at 18 cents per pound; 100 rations of potatoes, 30 pounds, at 1 cent per pound; 100 rations of molasses, 1 quart, at 10 cents per quart; 100 complete rations for $14.45, or 1 complete ration for $14\frac{45}{100}$ cents, or, at the option of the Government, at the rate specified for each component part thereof.

Third. The Government reserves the right to require that all or any portion of the articles composing the ration shall be delivered and issued on the provision returns or in bulk, in suitable packages, free of charge, at the rates above specified for each component part thereof, and when several articles compose the ration the officer making the requisition shall have power to require either article; and that 8 pounds of pure roasted and ground coffee shall be issued in lieu of 10 pounds of green, and 1¼ pounds of corn-meal or 1 pound of pilot bread in lieu of a ration of flour or fresh bread, and corn-meal at 100 cents per bushel when not forming part of a complete ration.

Fourth. The said John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell, their heirs, executors, and administrators, shall supply, deliver, and issue hospital supplies, and any other articles that may be required, at the lowest wholesale prices, to be determined by the surgeon or commissary, and shall furnish the U. S. officers any of the articles at the rates above specified. All of the articles shall be of the first quality and shall be approved by the commanding officer, the commissary at the post, or said Edwards, and payment shall be made as per advertisement for proposals, on forms prescribed by the Army Regulations, to be made out by said John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell.

Sixth. That in case of failure or deficiency in quantity or quality of any of the articles to be issued, then the said Edwards or the commissary in charge shall have power to supply the deficiency by purchase, and the said John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell will be charged with the difference of cost.

Seventh. Said John McGinnis, jr., Edwin S. Fowler, Edward L. Baker, and Roswell E. Goodell shall always, either by themselves or agents, be at said posts ready to receive the requisitions of the officer or other person authorized to receive said supplies, which are to be delivered and issued at such place or places as may be directed by the commanding officer or commissary; and the said John McGinnis, jr., Edwin S.

Fowler, Edward L. Baker, and Roswell E. Goodell are to furnish the necessary hands for weighing and issuing at their own expense.

Eighth. No member of Congress, officer or agent of the Government, or any person employed in the public service, shall be admitted to any share herein or to any benefit which may arise therefrom.

The Military District of Illinois includes the whole State, except the cities of Alton and Cairo.

In witness whereof the undersigned have hereunto placed their hands and seals this day and date above written.

NINIAN W. EDWARDS,
Captain and Commissary of Subsistence.
JNO. McGINNIS, Jr.
EDWIN S. FOWLER.
EDWARD L. BAKER.
ROSWELL E. GOODELL.

HOUSE OF DELEGATES, *February 8, 1864.*

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

SIR: I owe you an apology for failing to send you a copy of the resolutions of the General Assembly, the original draft of which Lieutenant-Governor Price and myself had the honor of submitting for your perusal.

The delay has been caused by a misapprehension of our clerk. You will find them inclosed.

I am, with great respect, your obedient servant,

HUGH W. SHEFFEY,
Speaker House of Delegates.

[Inclosure.]

Whereas, it is understood that negotiations for the removal of obstacles to the exchange of prisoners of war mutually held by the belligerents have been broken off, and so remain, in part at least, as is believed, on account of objections personal to the party selected by the United States Government as its agent of exchange taken by the Executive of the Confederate States, and, while no difference of opinion exists among the people of those States as to the character of certain past acts of that officer, which have rendered him justly obnoxious, nor as to the President's course, having been dictated by a zealous regard to the public sensibilities, yet we are unwilling to attach to these exceptions, however just, an importance grave enough to be balanced against those vast and overruling considerations of humanity pleading against the condemnation for such a course to hopeless and indefinite bondage of the thousands of our gallant sons now pining in distant and loathsome prisons, and of the families of those devoted patriots to the bitter grief of separation which, while it cannot shut out all knowledge of their sufferings, yet leaves them in suspense as to the extent or duration of them, while it denies all means of administering mitigation or relief: Now, therefore, be it

Resolved, That, in the opinion of the General Assembly of Virginia, the character of the agent employed by the Government with which we are at war to represent it in negotiations touching the exchange of prisoners should not impose an insuperable barrier to carrying on such negotiations.

Second. *Resolved*, That, in the opinion of this General Assembly, it would consist with true dignity, is recommended by a just regard to considerations of humanity and sound policy, stands justified by reason, and would commend itself to the approbation of the world, that the objections naturally felt by the President to authorizing official intercourse to be held with the agent of exchange appointed on the part of the United States should be waived, and that negotiations for a return under cartel to the exchange of prisoners of war held by both parties, so far as the interruption thereof may be due to that cause, should be resumed.

Third. *Resolved*, That the firmness and ability wherewith the rights and honor, the fairness, humanity, and good faith of the people of the Confederate States have been upheld and manifested in the conduct heretofore of these negotiations by the Confederate authorities are entitled to and receive the acknowledgments and high approval of the General Assembly of Virginia.

Fourth. *Resolved*, That the foregoing preamble and resolutions be communicated in confidence to our Senators and Representatives in Congress, and that they be requested, in such form as they may deem best, to aid in giving them effect.

Fifth. *Resolved*, That they be specially and respectfully presented to the President of the Confederate States by the president of the Senate and the speaker of the House of Delegates, in person, and that he be informed that his permitting the negotiations for the exchange of prisoners, now suspended, to be reopened between the agents of the respective Governments would meet the entire approval of this General Assembly; but nothing contained in said resolutions shall be construed as advising the withdrawal or modification of the proclamation of the President of the Confederate States against Benjamin F. Butler.

A copy from the roll.

Teste:

WM. F. GORDON, JR.,
Clerk House of Delegates and Keeper of Rolls.

FORT MONROE, *February 9, 1864.*

Hon. EDWIN M. STANTON:

Shall I send a flag-of-truce boat up with women and children? I have a large number in and about Norfolk that I want to get rid of. If so, I will do it on Wednesday, the 17th instant, and will telegraph notices to Baltimore, Washington, Philadelphia, and New York papers. Please answer whether I shall make the declaration proposed, that all prisoners released by us have been exchanged, so they may return to duty.

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 9, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to request that you will ask your authorities to make the following exchanges:

Henry Bowers, a citizen of Walker County, Ga., for I. F. Early, a citizen of Hamilton County, Tenn.; Halburt Cole, a citizen of Walker

County, Ga., for J. J. Garner, a citizen of Winchester, Tenn.; Warren Durham, of Walker County, Ga., for Isaac Sermons, a citizen of Hamilton, Tenn.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

HDQRS. ARMY AND DISTRICT OF NORTH CAROLINA,

New Berne, N. C., February 9, 1864.

Maj. Gen. GEORGE E. PICKETT, C. S. Army,

Commanding in North Carolina:

GENERAL: A few days since, while the forces under your command were in front of this place, I sent a medical officer with some ambulances to the smallpox hospital, near which some of your forces had arrived, with a flag, for the sole purpose of bringing away the unfortunate occupants of the building, as in case of an attack on my lines they would be certainly in great danger of having their house burned over their heads. Besides, I had no desire to see the loathsome disease spread among your own forces, and it was proper that you should be put on your guard as to the nature of the hospital.

The medical officer who went on this humane errand was instructed, of course, to explain these matters to any of your forces that he might meet, and he doubtless did so. He was, however, seized and carried away as a prisoner, with the ambulances and drivers.

I have known you too long and too well to believe that this could have been done by your direction, or by your knowledge, and I respectfully request you to do what I feel certain I would do myself under the circumstances—that is, return the surgeon and the drivers to me. The ambulances with the horses I say nothing of, for they are too trifling to me to mention.

Hoping that you will see the impropriety of punishing this little party for a humane act, and that you will be willing to meet me half way in these little amenities of war,

I remain, very respectfully, your obedient servant,

I. N. PALMER,

Brigadier-General, U. S. Army, Commanding.

The surgeon is Asst. Surg. R. T. Baker, Twelfth New York Cavalry. The drivers are Privates Calvin W. Willis, Company K, Seventeenth Massachusetts Volunteers; Henry Taylor, Company G, Seventeenth Massachusetts Volunteers; Edward Murray, Company C, One hundred and fifty-eighth New York Volunteers; Edward Moore, Company E, Nineteenth Wisconsin Volunteers.

WAR DEPARTMENT, *Washington, February 10, 1864.*

Maj. Gen. B. F. BUTLER, *Fort Monroe, Va.:*

I do not think it expedient to send a flag-of-truce boat with women and children, nor to give advertisement in Baltimore, Washington, and elsewhere, at present, as you propose to do. If there be any residents of Norfolk whom you want to send away for cause you are authorized

to do so, but not to put other persons across the lines. Your proposed declaration of the exchange is, in the opinion of this Department, irregular, and ought not to be made, because it would be seized upon as a justification of the irregular and improper course pursued by the rebels; and besides, from its indefiniteness, would not afford protection to our own troops, and would lead to serious embarrassment in the final arrangement of exchanges, if one can be made. The reasons for this opinion are more particularly set forth in the reply furnished to you by Major-General Hitchcock upon this subject.* I think that upon consideration of that report you will yourself be satisfied that the proposed declaration of exchange is premature, and would afford serious advantages to the rebels in the present controversy.

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, *February 10, 1864—10 p. m.*

SECRETARY OF WAR:

Your telegram and the letter of General Hitchcock have been received. I will send you the full report upon this matter of declaration of exchange, but I do not choose to sleep upon so gross a misrepresentation as has been made to you of my proposed declaration of exchange. First. It is in precise words like those that have been made heretofore. Second. It affects no paroled prisoners; it only affects those actually received at City Point. It touches no paroled prisoners; it interferes with no questions; it is in exact conformity with the cartel. Allow me to send you the words of the declaration: "All prisoners heretofore held by the Confederate authorities, whether civilians, officers, or soldiers, received at City Point before the 20th of January from the Confederate commissioner are declared exchanged." Is there one word in this about prisoners on parole? Besides, it is agreed to by Commissioner Ould. I only sent up for a flag-of-truce boat for women and children because I was informed that an agreement was made that one should go once in every six months. I certainly don't care to send one.

BENJ. F. BUTLER,
Major-General, Commanding.

FORT MONROE, *February 10, 1864.*

Major-General HITCHCOCK:

Your communication [in] regard to the exchange of General Lee is received. I will take measures to have the proper inquiries made.

BENJ. F. BUTLER,
Major-General, Commanding.

WASHINGTON, D. C., *February 10, 1864.*

Hon. HENRY WILSON, *U. S. Senate:*

MY DEAR SIR: From conversation with a surgeon of the army who has had much intercourse with rebels—privates, officers, and surgeons—at Knoxville and Chattanooga I believe that it is important that Congress pass a resolution approving the President's amnesty proclamation. The rebel officers persuade their men that the amnesty will, if accepted by individuals, still leave their property liable to confiscation.

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* See February 8, p. 926.

If you desire to hear further please send a note to Dr. R. H. Coolidge, colonel and medical inspector, U. S. Army, now in this city.

M. C. MEIGS,
Quartermaster-General.

HEADQUARTERS ROCK ISLAND BARRACKS,
Rock Island, Ill., February 10, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I arrived at this post on the 3d instant, and since that time have been engaged in making my inspection, instituting certain changes in the administration of the hospital department, and investigating the causes of the present prevalence of the smallpox at the post. A detailed report of inspection, with copies of communications addressed to the commanding officer, and of reports received, I send herewith.* I find that there has been much remissness on the part of the medical officers of the prison in not taking proper measures to prevent the spread of the smallpox. In some cases the proper steps have been suggested, but not urged with sufficient energy. On my arrival I found some thirty-eight cases of the disease, and some of these in an advanced stage, lying among their fellows in the prison barracks. This is inexcusable. The fact had not been reported to the commanding officer by the surgeon in charge. That officer should, however, have been acquainted with the fact through his provost-marshal, and should have directed their immediate removal, even without the request of the surgeon. Much excuse is to be made for the medical officers in view of their inexperience and of the difficulties with which they had to contend, as shown in their reports (Nos. 6 and 7). Doctor Temple is an acting assistant surgeon and was not aware of the extent of his authority or duties as surgeon in charge. Doctor Moxley is a very young officer, but recently commissioned, and, though anxious and trying to do his whole duty, is entirely unfitted both by temperament and inexperience for a charge of this magnitude. A medical officer of experience and executive ability should be at once assigned to duty here. Acting Assistant Surgeon Iles is an old man, and, as I am informed by the commanding officer, was completely bewildered at being placed in such a charge, and though not unskilled professionally had not the slightest idea of his duty as an officer. I have called for no report from him. A large portion of the blame in this matter appears to rest with the officers at Louisville, Ky., who sent prisoners to this post who had been exposed to the contagion and even some with the disease already broken out. (See Nos. 3, 4, 5, 6, and 7.) I found the supply of vaccine virus on hand nearly or quite exhausted, so telegraphed at once to the assistant surgeon-general at Louisville and to Saint Louis for a supply, and which I have directed to be thoroughly used immediately on its arrival (Nos. 8 and 9). I found it necessary to direct a large addition to the pest hospital. This is already under way (No. 1). A prison hospital is imperatively demanded. A plan for a proposed building, to be erected just south of the prison inclosure, has been sent to you by Colonel Johnson, which I hope will meet with your approval, as it is, I think, the best, and certainly as economical as any that can be furnished. Captain Reynolds, depot quartermaster, has applied to the Quartermaster's Department for authority to erect it (No. 2). A post hospital for the garrison is also greatly needed. A

*All omitted, except report of inspection, in view of the inspector's remarks on the subjects treated in the communications.

plan for this has been approved by the commanding officer and depot quartermaster and will soon be erected. The absolute necessity for an increase of the water supply and for a system of drainage is recognized by the depot quartermaster and prompt attention is promised. I feel the less hesitancy, sir, in suggesting and strongly urging these improvements at this post in view of its expected permanency as a U. S. station. The hospital proposed can be at any time after the removal of the prisoners used as a U. S. general hospital or as barracks for troops; and the proposed water-works and accompanying system of drainage will always be of service. I shall leave to-morrow morning for Springfield, Ill., and thence to Alton and Saint Louis.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of camp and field hospitals at Rock Island, Ill., February 4 to 7, 1864, by Surg. A. M. Clark, acting medical inspector prisoners of war.

Designation of camp—U. S. military prison, Rock Island, Ill. Commander of camp—Col. A. J. Johnson, Invalid Corps. Command and strength—prisoners of war, 7,149; Federal troops, 16 companies Invalid Corps, 1,361; aggregate, 8,510. Location of camp—Rock Island, in Mississippi River, between cities of Rock Island, Ill., and Davenport, Iowa. Time occupied—first prisoners arrived December 3, 1863. Water, source and supply—chiefly from river by steam pump; one artesian well in camp, bore 9 inches by 125 feet capacity. Water, quality and effects—very good, especially that from well, but supply insufficent. (See remarks.) Fuel—bituminous coal; wood to a small extent. Soil—alluvial deposit, one to six feet in depth, on limestone rock. Drainage—natural facilities good, though requiring blasting through rock; present system utterly inadequate. Topography—island of limestone rock, about three miles long, half a mile wide, lying east and west, west end cleared, remainder chiefly young woodland. Meteorology—prevailing winds south and southeast, frequent rains. Zymotic influences—extensive swamp on south border of camp requiring drainage or will be productive of miasmatic disease. Police of camp—bad as regards grounds; in barracks, most excellent, far excelling many Federal barracks. Discipline in camp—of prisoners very strict, productive of excellent effects. Duties in camp—policing. Tents or huts, position—84 barracks, arranged 6 rows of 14, streets 100 feet wide, distance between barracks 40 feet. Tents or huts, pattern and quality—one story, raised 1 to 3 feet from ground, 82 by 22 by 12 feet, 10 windows; cook-house at end of barracks, new and well built. Tents or huts, ventilation and removal—2 ventilators in roof of each barrack 4 by 2 feet, insufficient without aid of windows. Tents or huts, sufficiency—60 double bunks in each barrack, accommodating 120, total 10,080. Tents or huts, heating—sufficient, 2 stoves in each barrack. Sinks, construction, condition and position—very faulty, excavating but 2 to 6 feet deep, owing to rock; absolutely necessary to employ movable sinks or build them over river, otherwise all the spare ground within the inclosure will soon become a seething mass of filth. Sinks, management—very faulty. Removal of offal, &c.—tolerably, but not thoroughly attended to. Previous use of camp—woodland. Rations—abundant and of good quality. Cooking in camp—cook house at end of each barrack, 18 by 22 by 12 feet, one 40-gallon caldron in each, utensils sufficient and in good order. Inspection of food—none after issue. Portable ovens—

bread furnished by contract; quality good. Vegetables—a sufficient supply. Cleanliness of men and clothing—clean and neat to a degree utterly surprising in a prison camp. Quality and quantity of clothing—brought by prisoners, condemned United States; supply insufficient. Blankets—supply sufficient; no bedding in hospital, except a small supply of straw and sufficient blankets. Habits of men—comparatively neat and cleanly from discipline. Condition of men—in barracks, excellent; in hospital, as clean and comfortable as practicable without hospital clothing or bedding and with inadequate laundry facilities. Hospital buildings and tents—none yet erected except in smallpox hospital; 11 prison barracks occupied, giving 462 beds; pest-house, 2 small dwellings with capacity for about 62 (occupied by 51); 2 barracks completed, 108; 1 barrack not completed, 54, and 3 ordered, 162; total accommodation pest barracks, 324 beds. Police of hospital—tolerably good; pest-house, bad. Hospital discipline—not at all strict. Hospital diet and cooking—diet good; cooking well done, but food not properly inspected by medical officer. Hospital heat and ventilation—sufficiently heated by stoves, 3 in each barrack, 5 in each pest-house barrack; ventilation to be provided for. Hospital capacity—pest-house, 324 beds; new hospital to be erected, 700 beds. Number sick—morning report, February 9, in pest-house, 336. Transportation of sick—3 ambulances for prison and post hospitals. State of medical supplies and surgical instruments—sufficient and in very good order. State of hospital records—not strictly kept or showing the exact present condition of the hospital. State of hospital fund—January 31, 1864, $347.61. Expenditures—$546.70, for articles of diet, &c. Reports—not promptly kept up. Medical attendance—sufficient in number, but inadequate in skill; 1 assistant surgeon, U. S. Volunteers, 10 acting assistant surgeons. Nursing—by convalescents and detail of prisoners. Interments—in grave-yard on island; condition very good, well cared for. Diseases prevalent—smallpox, pneumonia, intermittent fever. Diseases zymotic—smallpox. Diseases, mitigation and prevention of—proper precautions have not been taken or sought for with sufficient energy. Wounds and operations, recoveries from diseases and wounds, mortality from diseases and wounds—the following data are all that can be ascertained with any degree of accuracy: Total deaths during January, 173; cases smallpox, 297; deaths, smallpox, 62; percentage, 20.87. February 1 to 8, cases smallpox, 159; deaths, smallpox, 36; percentage, 22.64. Number vaccinated to February 8, 3,613. Total cases smallpox, 456; total deaths, smallpox, 98; percentage, 21.40. Garrison—cases smallpox, 8 (included in above); no deaths; sick in post hospital, 63; in quarters, 175. Medical officer—Asst. Surg. M. K. Moxley, U. S. Volunteers, post surgeon, ten acting assistant surgeons. Remarks concerning character and skill: Doctor M. is anxious and tries to do well, but is unfitted by his inexperience for the charge of a post of this magnitude. He is but poorly supported by his assistants, who, with one or two exceptions, are utterly inefficient.

The water-works are about being removed and improved by the quartermaster's department. A system of drainage is also about to be adopted which will entirely remedy the present defects, as well as furnish drainage for sinks and wash-houses, thus obviating the necessity of placing the former over the river. Additional accommodations at the pest-house are rapidly progressing. Strict instructions as to the steps to be taken in regard to the smallpox have been given. The ground for the new post and prison hospitals has been located and carefully surveyed.

A. M. CLARK,
Surgeon and Acting Medical Inspector Prisoners of War.

HEADQUARTERS MILITARY PRISON,
Camp Morton, Indianapolis, Ind., February 10, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your communication of the 3d instant requesting a fuller investigation and report of the facts connected with the shooting of Goacin Arcemant, prisoner of war at this camp, January 16, 1864. In compliance therewith I inclose a report embracing all the facts I have been enabled to obtain by a strict investigation of the case in question.

Hoping that the evidence therein contained will be satisfactory,

I have the honor to be, most respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

[Inclosure.]

HEADQUARTERS CAMP MORTON, IND., *February 9, 1864.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to submit the following report of the shooting of Goacin Arcemant, prisoner of war, by a sentinel of the guard at this camp on the morning of the 16th of January, 1864. The occurrence took place at 1.30 a. m. at post No. 20 on the guard line, near the northwestern angle of the prison inclosure and between the north end of Barracks A and the fence. (See plat of Camp Morton, by Capt. R. M. Littler.) Lieutenant Tyndale, officer of the guard, states that owing to the fact that several prisoners at different times had escaped at that point he had given the guards in that vicinity strict orders to permit no prisoners to come out of the door in the north end of Barracks A, or to pass between said barracks and the fence, or to approach the fence anywhere in that vicinity nearer than twenty feet. These were also the standing orders of the prison, with which the prisoners are well acquainted. George Mudge, Company A, Invalid Corps Regiment, the sentinel on duty at post 20, states that he had been annoyed repeatedly during his tour of duty by prisoners coming out of the barracks and approaching the fence, contrary to the orders above mentioned; that on being ordered to return to quarters they would obey, but immediately repeat the offense; that the deceased had quitted Barracks A by the door above mentioned, and was proceeding in quick time in the direction of the northwestern angle of the inclosure, when, in obedience to instructions, he ordered him to halt and return to his quarters. The prisoner made some answer (not understood), but did not obey. On the order being repeated, and the prisoner still refusing to obey, the guard fired and immediately called the number of his post.

James Pittullo, Company A, Fifth Invalid Corps Regiment, on being sworn, states that he was on post 21 when the shooting occurred; that he saw prisoners come out of the barracks, seven or eight at a time, and heard post 20 order them back to quarters. Saw the deceased approach the northwestern angle of the inclosure in quick time. Heard the sentinel on post 20 order him to halt. He did not obey. The sentinel after a short pause repeated the order. The deceased still moved on. The sentinel then cocked his piece, when the prisoner, as if hearing the click, stopped, and the guard fired at the same instant.

Asa C. Mason, Thirty-eighth Company Invalid Corps, on being sworn, states that he was on post 19 when the shooting took place; that he

heard the sentinel on post 20 order somebody to go back to their quarters. Saw three prisoners outside of barracks. Heard them laughing as they returned to quarters as ordered. Saw them come out twice. Heard post 20 halt the deceased, who made some answer which he did not understand. Some little time elapsed, at least thirty seconds, between the order to halt and the firing. States that he had orders to shoot any prisoner who approached nearer than twenty feet of his post; that he is certain that time sufficient was given the deceased to return to quarters, after the order so to do was given, before the firing occurred.

By reference to the plat of Camp Morton you will observe that the sink in that portion of the camp is located at least 200 feet south of the northwestern angle of the inclosure, and in a direction from the northern extremity of Barracks A radically different from that which the prisoner was pursuing when shot. The prisoners in Barracks A had been ordered to close up the door mentioned above, as they could not be permitted to use it, but must use the door in the southern extremity of said barracks. The deceased could not have been ignorant of this order from the fact shown by the evidence that his comrades had been ordered back repeatedly by the guard when they showed themselves outside the barracks, which here approach very near to the fence. I am satisfied, from the evidence of the sentries, that it was the intention of the deceased and his comrades to trifle with the guards, if not to attempt an escape.

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

Daniel S. Farrar asks if an oath or parole forced upon a non-combatant is binding.*

[Indorsement.]

FEBRUARY 10, 1864.

Respectfully returned.

Paroles or bonds imposed by the enemy upon non-combatants are in violation of all the rules and usages of civilized warfare, and will not be recognized or respected by this Government.

[RO. OULD.]

DALTON, *February 11, 1864.*

Maj. Gen. G. H. THOMAS,
Commanding U. S. Army, Chattanooga:

GENERAL: I have had the honor to receive your proposal to exchange fifty of our wounded soldiers now in your hands for a like number of yours, which you suppose to be at Atlanta.

We have but forty-one wounded Federal soldiers at Atlanta, and their surgeon reports fourteen of them unable to bear removal. I accept your proposal for the others with pleasure, the exchange to be made at or near Graysville, and as soon after the arrival of the men, who have been ordered to this place, as may be convenient to you.

Most respectfully, your obedient servant,

J. E. JOHNSTON,
General, C. S. Army.

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* Farrar's communication not found.

[FEBRUARY 11, 1864.—For Peck to Pickett, relative to the execution of certain prisoners belonging to the Second North Carolina Regiment (Union), see Series I, Vol. XXXIII, p. 866.]

BALTIMORE, *February 11, 1864—9.30 a. m.*

Major-General BUTLER, *Commanding:*

Have just found Brengle. Will send him down to-night. Prisoners not yet arrived.

JOHN E. MULFORD,
Major, &c.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 11, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 8th instant, giving particulars to identify R. Patterson, a rebel prisoner.

There was a mistake in my letter of the 5th instant in writing Patterson instead of Anderson in the second paragraph. I knew the address of the former and forwarded the letter to him, but I was unable to give the whereabouts of Anderson without having the details of his place of capture.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *February 11, 1864.*

Hon. S. GALLOWAY,
Special Commissioner, Camp Chase, Ohio:

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, inclosing applications from men who represent themselves as deserters from the rebel army and recommending their cases to favorable consideration.

I agree with you that such cases as you describe should not be held as prisoners of war, but the difficulty is to distinguish those who may with safety be so classed from those who are willing to represent themselves as anything and swear to anything that will secure their release. There are probably many men among the prisoners at Camp Chase who may have been always loyal citizens, or would become so if they had the opportunity, but it is impossible to single them out, and so many rebels have been released under false representations of various kinds that the Department will not now release any one unless the proof is very pointed, or the case is strongly recommended by the Governor of the State from which the applicant came.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *February 12, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: The telegram from General Butler to yourself of the 10th instant, charging me with a "gross misrepresentation" to you in reference to his declaration of exchange, having been submitted to me, I have the honor to present for your consideration the following papers, to wit:

Copy, marked A,* of the telegram; B,* copy of my letter to General Butler, referred to in telegram. This letter, as will be seen, was in answer to an inquiry addressed to me by General Butler. C,* copy of a report of the 25th ultimo from General Butler to yourself, which shows the number of prisoners supposed by him to be embraced in his declaration of exchange, to wit, 750; D,* copy of an official statement made by Colonel Hoffman, Commissary-General of Prisoners, sent to me with the note of the 1st instant, by which it will be seen that since the 1st of September last there has been received at City Point (reduced to privates) 2,921 Federal prisoners, besides 87 civilians, being an excess over the 750 supposed by General Butler to be affected by his declaration of 2,171, excluding the 87 civilians. Yet General Butler states in his telegram that his declaration "affects no paroled prisoners," meaning, of course, no prisoners not exchanged. He states further that his declaration "interferes with no questions," and yet the prisoners in question were held unexchanged precisely because of the questions of "difficulty" which had interrupted the course of exchanges.

He states that his declaration is "in exact conformity with the cartel," but he does not point to the article or articles to which it "conforms," and, according to my understanding of the cartel, it is not sanctioned by any one article of that instrument, without presupposing some antecedent proceedings not reported by General Butler, and which, by the publicly recognized condition of the questions of exchanges, could not have taken place with authority.

The telegram makes an important statement not hitherto reported, so far as I know, that the declaration "is agreed to by Commissioner Ould." This is certainly an extraordinary announcement at this late period, the declaration having been made the 24th ultimo, when the whole country is and has been under the impression, from numerous public statements on both sides of the line, that the rebel authorities have refused, and with great emphasis, to have any intercourse with General Butler. I presume to say that when General Butler's declaration reached you, which it did informally, having been even published in either a Baltimore or Philadelphia paper before it was officially communicated to yourself, you had no conception of any agreement having been entered into between General Butler and Mr. Ould, and to this hour the nature of such an agreement remains an unexplained mystery, and is entirely destitute of the ordinary public sanctions which ought to authorize the intercourse of belligerents. Most assuredly no public officer in Washington under your authority has had any official notice of the resumption of exchanges between the two agents at City Point.

It appears, however, that Mr. Ould has recently made another of his characteristic declarations of exchange, which, according to the news-

* See pp. 937, 926, 873, and 898, respectively.

papers—no official communication having been made to my knowledge - is in the words contained in the following extract:

Declaration of Commissioner Ould.—Commissioner Ould declares exchanged all prisoners heretofore held by the Union authorities, whether officers, soldiers, or civilians, received at City Point before January 1, and all officers and men of Vicksburg capture who reported for duty at Enterprise, Miss., prior to November 14, 1863; also all officers and men of the Vicksburg capture belonging to the First Tennessee Artillery.

If General Butler's declaration is vague this by Mr. Ould is of like character, but in extreme; for no one can know who or how many rebel prisoners of war "reported for duty at a place called Enterprise, in Mississippi, prior to November, 1863."

I must here notice the fact that the Commissary-General of Prisoners has received no list of prisoners affected by General Butler's declaration, and is not in a position to have the usual order issued on the subject by the Adjutant-General of the Army.

General Butler states in his telegram that his declaration is in conformity with custom. The custom has been for the two agents to meet and agree upon the numbers or parties who should be exchanged, and then our agent has been accustomed to communicate the particulars to the Commissary-General of Prisoners, who has then submitted a copy to the Adjutant-General for announcement, and this announcement has been, in fact, the "declaration" of exchange. In this manner the individuals affected and the country have been kept advised of the state of exchanges.

I have but this further to say, that if General Butler's mode of making exchanges by some secret agreement with Mr. Ould, to be followed by an indefinite declaration by Mr. Ould, like that above, be sanctioned it will require but a very short time to involve the whole subject of exchanges in confusion, so that no one on either side of the line will know who is or is not exchanged.

I might be disposed here to remark upon the extraordinary language of General Butler's telegram, but, as I claim to have some respect for both decency and discipline, I abstain from following an example which, though it may find admirers among some ignorant novices in the service, will hardly be excused by any one who pretends to be a soldier.

I respectfully request that General Butler may be furnished a copy of this communication.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers and Commissioner of Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 12, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities make a special exchange of Capt. Ralph Olmstead Ives, Tenth Massachusetts Regiment, captured at Warrenton, Va., September 3, 1863, and now a prisoner at Salisbury, N. C.?

This Government is willing to give any Confederate officer of equal rank in exchange for Captain Ives.

I have the honor to be, very respectfully, &c.,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 12, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities make a special exchange of Lieut. E. Charles Parker, Ninety-fourth New York Volunteers, captured at the battle of Gettysburg?

This Government is willing to give any officer of equal rank in exchange for him.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

WASHINGTON, *February 12, 1864.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

SIR: The Secretary of War directs that if you have not been furnished with the proper lists of the prisoners mutually delivered at City Point at the close of the month of December last you call upon General Butler to furnish said lists.

Very respectfully, your obedient servant,
E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner for Exchange.

CAMP MORTON, *February 12, 1864.*

Col. A. A. STEVENS, *Commanding Camp:*

COLONEL: I have the honor to report that last night, between the hours of 10 and 12 o'clock, a rebel prisoner named James Barnhart was fired upon and killed by the guard while attempting to escape through a tunnel excavated by the prisoners, running from the east end of Barracks No. 5 (G) to the outer side of the fence. Two shots were fired by the guard, both of which took effect, causing almost instant death.

Very respectfully, your obedient servant,
ROBT. M. LITTLER,
Captain, Invalid Corps, and Officer of the Day.

[Indorsement.]

HEADQUARTERS CAMP MORTON,
Indianapolis, Ind., February 15, 1864

Respectfully forwarded to Col. William Hoffman, Commissary-General of Prisoners, Washington, D. C., with the following statement, resulting from a personal investigation of the facts in the above case: Having become aware from information received that a conspiracy existed among the prisoners, having for its object their escape on the night of the 11th instant (which in all probability was originated by the Confederate officers lately transferred to Camp Chase, Ohio), I gave special instructions to the lieutenant of the guard to make such disposition of the supernumeraries on duty as would, with the regular guard, most effectively secure those points on the line where it was apprehended an attempt would be made. The guard on post 10, opposite the east end of Barracks G (see plat of Camp Morton), was strengthened, as several prisoners had escaped at that point on the preceding night, two of whom were recaptured. The deceased, when first discovered by the guard (according to the inclosed report), had reached the outside of

the fence and was issuing from the tunnel referred to, closely followed by other prisoners, when they were fired on by two of the guards, the shots taking effect as stated. At the same time an attempt was made at another point by prisoners to break over the fence, but they were promptly repulsed by the guard, several shots being fired at them, which, in consequence of the extreme darkness of the night, did not take effect. The facts which I have gathered in the investigation prove that a general attempt to escape was to have been made by the prisoners on the night in question. On a rigid inspection of the barracks, made since the above occurrence, another tunnel, partially completed, was discovered leading from the north end of Barracks A, which, had the outbreak not been anticipated and provided against, would undoubtedly also have been used as a means of escape. I have the honor to state, additionally, that I am having a trench dug between the respective ends of Barracks G and F and the fence, and also that I have caused twenty feet to be taken off from each end of said barracks approaching the fence, which, I trust, will prevent any further attempts at tunneling in that quarter.

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

NAVY DEPARTMENT, *February 13, 1864.*

Hon. E. M. STANTON, *Secretary of War:*

SIR: On the 29th of December last I had the honor to request that you would give instructions for the close confinement in irons of Commander William A. Webb and some other prisoners captured in the rebel steamer Atlanta, in retaliation for the close confinement in irons of Lieut. Commander E. P. Williams and others of the U. S. Navy. Never having been advised of your action in the matter, if any was taken, permit me now to make the inquiry.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

[Indorsement.]

WAR DEPARTMENT, *February 17, 1864.*

Respectfully referred to the commissioner for the exchange of prisoners for report, the previous paper having been referred to him.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General.

[FEBRUARY 13, 1864.—For Peck to Pickett, relative to the execution of certain prisoners belonging to the Second North Carolina Regiment (Union), see Series I, Vol. XXXIII, p. 867.]

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, February 13, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: The prisoners of war at this post are desirous of purchasing some religious reading matter. Your instructions allow

purchases of only tobacco, pipes, and writing material. Believing that proper and loyal reading matter will be beneficial to the prisoners and have a tendency to prevent attempts to escape, I have the honor to request that they be allowed this privilege.

I am, colonel, very respectfully, your obedient servant,

W. P. RICHARDSON,

Colonel Twenty-fifth Ohio Volunteer Infantry, Commanding.

CHICAGO, ILL., *February 13, 1864.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: My report, dated Rock Island, February 10, 1864, not having been as full in some particulars as I could wish it to be, I have the honor to submit the following in supplement thereto:

Rock Island Barracks are situated near the center in length and on the northern side of the island. The prison barracks are 84 in number, each intended to accommodate 120 men. They are arranged in blocks of 7 each, fronting on streets 100 feet wide, with two main avenues, 130 feet wide, intersecting the camp in the center. The sinks are placed 4 in each street running north and south. The barracks have each 2 ridge ventilators and 12 windows, with 2 doors. These would afford abundantly sufficient ventilation were it not for the difficulty in having the windows kept open, and in view of this difficulty I have suggested that the ridge ventilation be carried the full length of the barrack. This can be done by prison labor and at a trifling expense. Each barrack is 100 by 22 by 12 feet in dimensions. Eighteen feet in length is partitioned off for a kitchen, which is furnished with a 40-gallon caldron and the requisite kitchen and table furniture. The barracks are sufficiently heated by two coal stoves in each. The bedding is well aired each day, and the police and discipline, as well as the general condition of the men, is admirable. Here, however, commendation must cease. The camp grounds are but poorly policed. Some excuse exists for this in view of the very severe weather of late, the lack of transportation, and the utter want of drainage. A feeble attempt has been made to drain the camp, which is, however, entirely inadequate to its purpose. Near the southwest corner of the prison inclosure is a small marsh which receives the surface drainage of the adjacent portion of the island and into it the camp drain empties. At the present season this marsh causes no greater evil than inconvenience in crossing it, but in warm weather it will become a hotbed of miasma. Plans for effectually draining both this and the camp have been approved and will be described presently. The present means of water supply are entirely inadequate to the ordinary wants of the camp. On the northern shore of the island, at the northwest corner of the inclosure, is placed a steam pump which forces the water through a 3-inch wooden supply pipe into four cisterns, two outside the inclosure for the use of the garrison, and two inside for the use of the prisoners. There is also an artesian well of 9-inch bore and 125 feet depth just inside the west gate of the prison. The present location of the water-works is such as to render the river on the north side of the island useless to the prison for all purposes of drainage. In the plan approved it is proposed to remove the steam pump to a point on the shore some distance east of the inclosure, and to run from it a 6-inch iron supply pipe to a reservoir 100 feet square (capacity, 1,800,000 gallons), placed on a knoll about 300 feet south of

the inclosure and with an elevation of 40 feet above low-water mark, from which the prison, prison hospital, garrison, and post hospital may be supplied by means of hydrants placed in convenient locations. The elevation of the reservoir will give a sufficient head of water to throw a stream over any building in the camp in case of fire. A slightly elevated ridge runs east and west through the center of the camp, and dividing it into two equal portions for drainage. The southern portion it is proposed to drain by means of a sewer leading into the main one, by which the above-mentioned marsh is to be drained into a natural ravine running to the river on the south side of the island. The prison streets are to be graded and furnished with surface drains leading into the main sewer. In the north avenue it is proposed to build an open sewer of masonry, over which are to be built the sinks, allowing the soil to be carried off by a stream of water constantly flowing from the reservoir through the sewer. On either side the sewer are to be built the wash-houses, to be supplied with water and drained into the sewer, which is to empty into the river below low-water mark, and to be efficiently protected from being used by the prisoners as a means of escape. A copy of this plan has already been sent to Washington, and will, I hope, meet your approval and that of the Quartermaster's Department, for it or some similar plan is most necessary. There is at present no prison hospital, prison barracks being now used for that purpose. I have approved a plan, a copy of which has been forwarded for your approval. I have carefully reconnoitered the island and selected a site about 500 feet south of the inclosure and west of the reservoir. The ground is elevated and can be readily drained into the marsh sewer and is sufficiently near the reservoir to receive a supply of water. Captain Reynolds, in anticipation of the authorization of the building by the Quartermaster's Department, has already begun the cleaning of the ground. The most urgent necessity exists for the speedy completion of this building. The smallpox hospital is located on the south shore of the island, directly opposite the prison, and at present consists of 3 barracks, each 129 by 22 by 12 feet in dimensions and accommodating 42 beds in each, and 3 small dwelling houses, unfit for any use at all, except for kitchens or wash-houses. Three additional barracks of the same dimensions as the above are in process of erection by my direction. There are now over 100 cases of smallpox within the prison inclosure, and it is of the utmost importance that they should be removed as rapidly as possible. I inclose an application* to the Surgeon-General for the assignment of a capable medical officer to the charge at Rock Island, which, if it meets your approbation, please approve and forward to the Surgeon-General's Office. I leave to-night for Springfield, Ill.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 13, 1864.

Brig. Gen. G. MARSTON,
Commanding Depot Prisoners of War, Point Lookout, Md.:

GENERAL: On yesterday, by direction of the Secretary of War, I addressed a telegram to Major-General Butler, commissioner for exchange,

* Omitted.

requesting him to order General M. Jeff. Thompson, one of the rebel officers recently arrived at Point Lookout from Johnson's Island, to Fort Delaware, but seeing a notice in the newspapers to-day that General Butler has gone to New York, and receiving no reply to my telegram, I am led to believe that he did not receive the order, and I have respectfully to request you will send General Thompson, under a suitable guard, to Fort Delaware, to be delivered to General Schoepf, commanding that post. Please acknowledge the receipt of this letter.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HOUSE OF REPRESENTATIVES, [C. S.,] *February 13, 1864.*

Laid on the table and ordered to be printed.

Report of the Committee on Quartermaster's and Commissary Departments.

The Committee on Quartermaster's and Commissary Departments, to whom was referred the following resolution, adopted by the House of Representatives on the 11th December last, viz—

Resolved, That the Committee on Quartermaster's and Commissary Departments inquire into the truth or falsehood of the allegation that the Yankee prisoners in our hands have not been adequately supplied with food, and report to this House as soon as practicable, to the end that the character of our Government may be effectually vindicated in the premises, and censure, if any be due, be visited upon those who deserve it, and also why our own soldiers have not been better provided with food.

Resolved further, That the committee also inquire and report whether the same rations have been furnished prisoners captured from the enemy that have been furnished our own soldiers—

beg leave respectfully to report:

By the regulations of the War Department it is made the duty of the Quartermaster-General to subsist prisoners of war. The prisoners were subsisted from purchases of provisions made by Capt. J. Warner, acting assistant quartermaster on the staff of Brigadier-General Winder, commandant of the Department of Henrico, and assigned to that special duty.

The regulation requiring the Quartermaster's Department to subsist prisoners of war is still in force, but by an arrangement made between the Quartermaster-General and the Commissary-General, with the approval of the Secretary of War, it was agreed and understood that the purchases by the Quartermaster's Department for the subsistence of prisoners of war should thereafter be made from the Subsistence Department. This arrangement was entered into in the month of August, 1863.

It appears from the evidence before your committee that the inducement to this arrangement that the purchases made by Captain Warner for the subsistence of the prisoners of war prior to the date above mentioned were not confined to schedule prices under his instructions from the Quartermaster-General, whilst in no instance were the purchases made on account of the Subsistence Department, under orders from the Commissary-General, allowed to exceed the prices enumerated in the schedule.

It will thus be perceived that to the extent of purchases of subsistence necessary for the prisoners the Quartermaster's and Subsistence Departments were brought into competition in the market, with every

advantage of procuring subsistence in favor of the Quartermaster's Department, thus furnishing better subsistence to the prisoners of war than to our own soldiers in the field.

In pursuance of the arrangement already adverted to uniform prices for subsistence furnished alike to prisoners of war and our soldiers in the field were established, and the advantage of better and fuller rations for prisoners than were furnished our soldiers in the field was obviated.

Entire harmony between Captain Warner, as commissary of prisons, and the Subsistence Department was not, however, established, inasmuch as the Commissary-General demanded that requisitions for the subsistence of the prisoners should be made by him in accordance with form No. 2, the vouchers adopted by the Subsistence Department. With this requirement Captain Warner made objections.

An order, however, from the Quartermaster-General, in the month of September last, required him to conform to the regulations of the Subsistence Department in his requisitions for rations.

For a more perfect understanding of the subject it is perhaps necessary to state that all requisitions for subsistence drawn from the Subsistence Department were directed by the Commissary-General to Captain Forbes, the issuing commissary.

In carrying out the orders of the Quartermaster's Department for subsistence to be furnished prisoners it was understood between Captain Warner and Captain Forbes that the rations of meat should be of fresh beef, when Captain Forbes could supply it, and when beef was not to be had the requisitions for meat rations should be filled by supplies of bacon, bulk pork, or salt beef. The butcher for the Subsistence Department in Richmond was a certain George R. Wilson, upon whom orders were given by Captain Forbes to supply rations of beef, under the requisitions made by Captain Warner.

It appears from the statement of Wilson, herewith submitted, that orders were drawn upon him for fresh beef, in favor of Captain Warner, on the 1st, 6th, 8th, 9th, 13th, 20th, 21st, 22d, and 23d days of November, which were not filled because the supply of beef on hand was not more than sufficient to meet the requisitions for the hospitals; and by an order from the Commissary-General he was directed, in the event of the scarcity of beef, first to fill the requisitions for the hospitals containing the sick and wounded, to the exclusion of prisoners of war and our own soldiers on duty at this post.

It further appears that when the prisoners of war in the city of Richmond were either upon short rations of meat or deprived of the meat ration altogether our own soldiers shared the same privation. And it further appears from the evidence that when the meat rations were short or altogether withdrawn double rations of bread and vegetables were furnished to the prisoners.

Your committee, therefore, feel authorized to state that the complaint that the prisoners suffered from being deprived of a sufficiency of food is entirely without foundation.

Your committee feel fully warranted in making the statement that if the meat ration for prisoners of war was at any time short, or wholly unsupplied, the fact is attributable rather to the relentless and unchristian mode of warfare adopted by our enemies in the wholesale pillage of private property, and the reckless and indiscriminate destruction of all supplies wherever found by them in the hands of loyal citizens of these Confederate States, than to any culpable neglect upon the part of those charged with the duty of subsisting them.

It does not appear from the evidence that when Wilson was unable to meet the orders of Forbes to fill the requisitions made upon him by Captain Warner for fresh beef that Captain Warner, or any one else, in more than two instances, applied to Captain Forbes for meat rations of bacon, bulk pork, or salt beef, according to the tenor of the agreement already adverted to.

In justice to Captain Warner it should be stated that he informed Captain Turner, the commandant of the prisons, that he (Captain Warner) could not procure rations of beef at the times Wilson states he was unable to meet the orders of Captain Forbes; that Captain Turner reported the facts to General Winder, and General Winder appears to have referred them to the Quartermaster-General.

It does not appear, however, that the Commissary-General had any information from any quarter that the prisoners of war were not provided with meat rations on the days designated.

These are the material facts collated from a mass of testimony so far as applicable to the condition of prisoners of war held in custody in the city of Richmond.

Your committee are not prepared to censure either of the officers connected with the care, custody, and subsistence of prisoners of war under the obligations imposed by the regulations upon the Quartermaster's Department; nor is your committee able to perceive in what respect the Commissary-General has failed in the performance of any duty devolved upon him under the agreement entered into between the Quartermaster-General and Commissary-General.

All of which is respectfully submitted.

WALTER PRESTON,
Chairman.

WASHINGTON CITY, *February 14, 1864—12.30 p. m.*

Maj. Gen. B. F. BUTLER,
Comdg. Dept. of Virginia and N. Carolina, Fort Monroe, Va.:

Yesterday's Intelligencer contains an account of a recent interview between Mr. Fulton, of the Baltimore American, and Commissioner Ould, at City Point, in which the latter stated that, with a view of ameliorating the condition of the prisoners on both sides, he had made a proposition to this Government two weeks previous that a number of our surgeons should be allowed to pass through their lines to visit and remain with our prisoners wherever they might be, and with full liberty of the city, and permission to go to any point when necessary for the performance of their duties. They would also be allowed to act as commissaries for the prisoners, and to order through the lines such stores as they might deem necessary and to receive and distribute them. In return he had asked that the same privilege be granted to their side, and expressed surprise at not receiving any reply. No proposition of this nature having been received here the Secretary of War directs that you report whether that or any other proposition from that source, not submitted to this Department, has been received by you; and if so, to submit them without delay.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WAR DEPARTMENT, *February 14, 1864.*

General LOCKWOOD:

The Secretary of War directs that General Trimble, a prisoner of war from Johnson's Island, one of the party arriving this morning at Baltimore, be sent to Fort Delaware. Please reply.

W. HOFFMAN,
Commissary-General of Prisoners.

[FEBRUARY 14–16, 1864.—For correspondence of Butler, West, and Wistar, relating to the escape of Union prisoners from Libby Prison, see Series I, Vol. XXXIII, pp. 559–566.]

CAMP CHASE, OHIO, *February 15, 1864.*

[Colonel RICHARDSON:]

COLONEL: I have the honor to submit to you the following application, viz, that the parole of honor given by me on the 3d of February, 1864, and accepted by Col. William Wallace, then commandant of Camp Chase, be revoked, and that I be sent to the Ohio State Prison or to the prison in which the prisoners of war now confined in the Ohio State Prison shall be confined at the date of the approval of this application.

Very respectfully, your obedient servant,

BASIL W. DUKE.

[First indorsement.]

HEADQUARTERS CAMP CHASE, *February 18, 1864.*

Respectfully forwarded to Col. William Hoffman, Commissary-General of Prisoners, Washington, D. C.

W. P. RICHARDSON,
Colonel Twenty-fifth Ohio Volunteers, Commanding.

[Second indorsement.]

HEADQUARTERS NORTHERN DEPARTMENT,
Columbus, Ohio, February 19, 1864.

Respectfully forwarded.

I hope his request will be granted.

S. P. HEINTZELMAN,
Major-General.

[Third indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, February 23, 1864.

Respectfully submitted to the Secretary of War for his instructions.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Fourth indorsement.]

If approved, should be sent to some other prison.

[Fifth indorsement

The Secretary of War decides that the parole of Basil W. Duke be canceled on his giving himself up, and that he be sent to the State prison or penitentiary at Columbus, and that immediately thereafter he be transferred to Fort Delaware.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 15, 1864.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: I have the honor to inform you that by direction of the Secretary of War General M. Jeff. Thompson, of the rebel army, a prisoner of war, has been ordered to be sent from Point Lookout to Fort Delaware. It is desirable that some arrangement should be made by which he can be held separate from the enlisted prisoners.

By direction of the Secretary of War I have respectfully to request that you will send Private Alvin J. Barren, Company I, Thirty-second Virginia, under a suitable guard, to Fort Monroe, to report to Major-General Butler, commissioner for exchange.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 15, 1864.

Brig. Gen. H. D. TERRY,
Commanding U. S. Forces, Sandusky, Ohio:

GENERAL: In reply to your reference of the letter of Colonel Pierson, commanding the depot, in relation to the exposure to violence of prisoners of war who desire to take the oath of allegiance, I am directed by the Secretary of War to say that he wishes you to have all prisoners informed who desire to return to their allegiance that the Government is able to protect them from violence from any quarter growing out of the expression of their Union sentiments, and that such protection will be afforded them. He will not consent that they be removed to any other prison where they will be less exposed to harsh treatment from their companions for their desire to abandon the rebel cause. He prefers that they should declare themselves loyal, and he will protect them in it.

I have also to request that an officer may be detailed to take charge, as treasurer, of the money belonging to the prisoners of war. This money has heretofore been in the hands of the commander of the depot, whose other duties do not allow him time to attend to it properly. The prison fund is a different matter, for which the commissary is the proper treasurer.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 15, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: By authority of the Secretary of War I have instructed the commanders of the various stations where prisoners of war are held to permit no article of food to be delivered to them. The Government furnishes them with an abundance to eat, and the delivery of boxes of eatables from their friends is attended with much inconvenience to commanders, creates dissatisfaction among those who receive nothing, and gives opportunity for sympathizers to show their interest in rebels.

Clothing is limited to specified articles, which can be furnished only by near relatives.

To-day I have received from General Marston a copy of a letter, addressed to Mrs. Mary R. Phinter, of Baltimore, by Colonel Shaffer, chief of staff, in which, by order, he informs her that he has no objection to small boxes of provisions being received at Point Lookout; and I would respectfully inquire whether the system indicated in Colonel Shaffer's letter will be authorized, or shall the regulations now in force continue to be observed?

I have to-day ordered Private Alvin J. Barren, Company I, Thirty-second Virginia, to be sent to Fort Monroe to report to you.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 15, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: It has been reported to me that Capt. Edward E. Chase, First Rhode Island Cavalry, who was captured in Virginia about eight months since and until lately confined in Libby Prison, has been sent along with the other commissioned officers, by order of your authorities, to Salisbury, N. C., and sentenced to hard labor in the penitentiary at that place, in retaliation (it is said) for the treatment of three Confederate officers in Missouri.

I have therefore to request that you will at once inform me if such is the case; and if it should prove true that you will take the necessary steps to have the officer relieved from such indignities, as there are no Confederate officers in our hands subjected to similar treatment.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 15, 1864.

Lieut. Col. M. BURKE,
Commanding Fort Lafayette, New York Harbor:

Please inform me by whose authority visitors are permitted to see prisoners of war at Fort Lafayette.

W. HOFFMAN,
Commissary-General of Prisoners.

FORT LAFAYETTE, NEW YORK HARBOR,
February 15, 1864.

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

Visitors are permitted to see prisoners of war at this post by order of Major-General Dix, commanding Department of the East, and Brigadier-General Stannard, commanding U. S. troops, New York City and Harbor.

MARTIN BURKE,
Lieutenant-Colonel, Commanding.

[Indorsement.]

This is Colonel Burke's reply to my dispatch. I send it that you may understand the whole matter.

W. HOFFMAN.

FORT MONROE, VA., *February 16, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Your dispatch in relation to the interview between Fulton and Commissioner Ould at City Point is received. I will write and inclose the communication of Ould upon that subject. I looked upon it when made to me as an attempt to get the Government to take action through communications that should ignore me, and as a proposition for diplomatic entanglement. The Virginia Legislature has passed resolutions requesting the Confederate Government to treat with me. I have strong hopes of opening negotiations with regard to exchange.

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, February 16, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: On the flag-of-truce boat which came in on the the 27th of January I received the inclosed proposition from Commissioner Ould in relation to the attendance by their own surgeons of the prisoners who were sick on either side.*

That communication was addressed to General Hitchcock, and of course ignored my appointment in the matter of exchange.

As there has never been any complaint on the part of Confederate prisoners of war in our hands that they have not received proper surgical and hospital treatment, and as no pretense has been raised by the Confederate authorities to that effect, and as on our side we have received less complaint of the treatment by the rebels of our prisoners in hospitals than elsewhere, and so, as I have had occasion to know, the treatment in the hospitals by the rebels of our soldiers prisoners in their hands having been reasonably proper and sufficient, I was induced to look with some care for the motive which should require at this time this proposition from Commissioner Ould.

Acting under what I believed to be your instructions, whatever proposition looking to more than the ordinary routine of matters carried on by flag of truce would not have been received or acted upon. Of course, therefore, I did not forward it.

But, supposing it had been properly addressed, it seemed to me that it was a proposition intended to put us in the condition of admitting that our treatment of their prisoners was similar, and required like remedies to meet the case as their own; or, in other words, that we were to admit to the world that there was a necessity for them to send their surgeons to take care of their sick soldiers in our hands—an admission I should be very slow to make.

The second part of the proposition—that these surgeons might act as commissaries in delivering food, money, clothing, and medicines forwarded for the relief of the prisoners—not being accompanied by any

* See Ould to Hitchcock, January 24, p. 871.

offer to retract the order of rejection of all supplies furnished, either by corporate bodies, sanitary commissions, States, or the Government, and as Commissioner Ould has over and over again assured the assistant commissioner of exchange that all private relief was duly forwarded for distribution, and as our own men and officers are now acting as commissaries of distribution in the rebel camps for such supplies as are in fact forwarded, there was another motive for this paper than what appeared upon its face.

Again, this paper came to me at the same time with the information that the Virginia Legislature were discussing and about passing (and, as I am now informed, have passed) a resolution requesting the Confederate authorities to recognize the agent of exchange appointed by this Government. And knowing as I do that this action was taken by the Virginia Legislature because of the pressure brought to bear upon them from the supposed ill-treatment which their prisoners would receive and were receiving at my hands; and taken also in connection with the fact that to relieve that pressure every newspaper in the Confederacy was publishing reports of how well the Confederate prisoners in our hands were treated, it seemed quite certain that this proposition was made—

First. For the purpose of having this Government weaken its position in regard to sustaining the present agent of exchange by adopting what on the first blush appeared to be a humane measure, sent through other channels than through me, precisely as the Confederate authorities weakened their own position of refusing to negotiate with me—by having treated with me in regard to vaccine matters, while they repudiate me as an agent of exchange.

Second. For the purpose of getting an acknowledgment to the country and for use abroad that because of neglect of their soldiers in our hands there was some need that their own surgeons should be sent to them.

Third. To be able to answer the pressure which is now bearing upon them to have the exchange go on by suggesting to their frightened brothers and sisters, fathers and mothers, that the sick in our hands would now have the treatment of their own Confederate surgeons, and thereby relieve the Confederate Government from the pressure to have the exchange go on and to recede from the position taken by them.

Therefore I had thought and believed that until some further action should be had by Commissioner Ould on behalf of his Government in regard to the exchange that this proposition should not be even considered, because I know that its consideration will weaken the position of the Government, and that if we can hold to the position taken by us, which is justified by the prisoners themselves in Richmond, and which justifies itself to the world, that the infallible result will be that we shall get such terms as are honorable to us in this matter of exchange, as against these Confederates.

If no action is based upon newspaper reports, and if newspaper men can be kept from interfering with the exchange for purposes of their own self-glorification, I believe that within the week I shall have personal conference with the Confederate commissioner upon all these subjects and arrange most of them satisfactorily, provided nothing is done which shall weaken the belief that unless exchange is effected the sternest and severest retaliation will be worked out.

For I have no doubt that, if that measure of retaliation which I suggested was now being carried out, instead of the first 350 prisoners having just arrived at Point Lookout, after months of delay, the

exchange would go forward in such a manner as to give us every soldier, black and white, that they have in their hands.

Upon the proposition as to surgeons, however, I will confer with Commissioner Ould and report further; and in the meantime I beg that no further action will be had by the Government.

I wish further to add that I understand that Mr. Fulton's statements in regard to his conversation with Commissioner Ould must be taken with some grains of allowance.

I have the honor to be, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, February 16, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: Colonel McCreery, of Michigan, one of our escaped prisoners, will hand you a dispatch and give you such information about our prisoners' fare and treatment as will demonstrate the necessity of retaliation if I do not succeed in starting the exchange which I hope to do.

Yours, truly,

BENJ. F. BUTLER,
Major-General, U. S. Volunteers.

P. S.—Allow me to call your attention to an article in the Richmond Examiner sent herewith.

[Inclosure.]

[From the Daily Examiner. Friday morning, February 12, 1864.]

Some extremes of abasement there are to which our Government will not degrade this Confederacy. For example, we shall be slow to believe that it would ever ask an officer bearing a Confederate commission—let us say Judge Ould—to meet on terms of equality and to treat about exchange of prisoners with a negro colonel of a Massachusetts regiment. If President Lincoln should signify that he is ready to permit a new negotiation to be entered upon, with a view to exchange, provided we send our commissioner to settle the terms with Frederick Douglass or with Colonel Pompey, on the part of the other belligerent, we presume that our Executive would decline. At any rate, our soldiers now in Northern prisons would feel bitterly humiliated by the thought of their freedom or captivity depending on such a negotiation. No; we do not believe that the Government of our country will ever bring us down to this.

But the Legislature of Virginia is not of our opinion. There is no depth of degradation, it is said, that they are not willing and eager to plunge us into in "secret session." No wonder it was in "secret session" that some person or persons, to us unknown, have moved and advocated, and carried through both houses of the Legislature, a resolution in the nature of a petition to the President, requesting him to accept, as Federal agent of exchange, not even the mulatto Frederick, or the wretched runaway slave Pompey, but a person whom the President has officially proclaimed "a felon deserving of capital punishment"—"an outlaw or common enemy of mankind," a criminal who, wherever he shall be caught, "is to be executed by hanging." Such is the language of the proclamation of Mr. Davis, dated 23d of December, 1862.

Virginia legislators—if this story be not a base calumny—ask the Confederate Government to appoint an honorable gentleman who shall treat of the destinies of many thousands of good citizens with a "murderer" (see the above proclamation); with a man who has plundered the peaceful inhabitants of New Orleans, by extorting money under a threat of putting them to hard labor with ball and chain; with a creature who ordered his officers and men to use Southern ladies as women of the town; with a man who has turned public war into a machinery of thievery; who has carried on hostilities in a manner "bearing no resemblance" (says the proclamation) "to such warfare as is permissible by the rules of international law or the usages of civilization." This is the kind of miscreant whom Virginia legislators, it is said, think good enough to meet Judge Ould. But the statement is, we trust, a base calumny. Another most diabolical calumny has been resorted to for the purpose of sustaining the mean suggestion which the enemies of the Virginia Legislature affirm that they have made to the President. It is that the continued suspension of the exchange, and the diligent representations made to the Confederate prisoners of their captivity being perpetuated by their own friends on a mere "question of etiquette," are inducing them in multitudes to take the oath of allegiance to their enemies, and enter into their enemies' service, in order to invade and lay waste their own homes. This we pronounce a wicked and cowardly calumny against absent men. If there be amongst so great a number a few miserable beings who have done so base an act our cause is better without them; but as to the great body of our captive friends we pronounce the story a vile invention to palliate the cowardice of certain creatures at home, who feel that they would swear anything and unswear it again under such a pressure.

And still another odious calumny hovers over and darkens this bad affair. It is given out that the President has almost invited the strange action of the Virginia Legislature. We hope that this is incredible. Here is a wretch not only denounced as a felon by our own Government, but blasted by the unanimous execration of the whole world, and even by all decent persons of his own nation, and the enemy's Government, for that very reason, and with no other object than to bully us and humiliate us and compel us to eat dirt, demands that he, and no other, is the person we shall treat with in such a momentous affair. The Confederates themselves are to rehabilitate his character and be his vouchers and security as an honorable man. It is the most audacious and insolent attempt yet made to force us to acknowledge ourselves criminals and rebels, who have not even the rights of belligerents. And now we are to be told that the President has even signified his wish to be requested to belie himself and contradict himself and acknowledge that he had committed an act of empty presumption in denouncing so illustrious a "major-general" as a felon and enemy of the human race!

But what do our unhappy legislators imagine we shall gain if we commit this filthy action? We are not offered, even on this condition, a renewal of the exchange on the terms of the cartel. The enemy only say to us, accept Butler without conditions, and he will tell you then what we are going to do with you. If we accept him that is only the first step. We can refuse nothing after that ignominious concession. That once yielded, the same reasons will be good for acquiescing in every other condition they may choose to impose. To hold our own recovered runaway slaves as prisoners of war, to receive a negro officer as Butler's lieutenant on the flag-of-truce boat, and account with him

for the prisoners—there is nothing of all this that Lincoln may not exact and ought not to exact if he finds us compliant enough to negotiate with the felon. The exchange will next be stopped at the first difficulty that arises upon any of these points. The intention is to compel us to certify to our own disgrace. Yankee ingenuity will exhaust itself in the invention of ever new and more humiliating conditions, and there will be no end of it until we all consent to crawl to the footstool of Lincoln with handcuffs on our hands and ropes around our necks.

Far from gaining anything by facilitating the exchange, we shall lose by it. The suspension of that exchange—the uncertainty that hangs over the fate of the 20,000 prisoners in our hands—this, more than anything else, is stopping enlistments in the Yankee armies. The war was child's play to our enemies so long as they could yield themselves prisoners with a certainty of short captivity and speedy exchange. Now, they will think twice over it. The deeper the individual stake, the more deadly the individual penalty in this war, the better for us. If it should ever come, as come it probably will, to a war of extermination, we would be the sole gainers, as the Confederates would fight, must fight, even on those terms, but Yankee troops most certainly would not and dare not.

On every ground, then, of dignity, consistency, and expediency this reported action of the Virginia Legislature is shameful and pernicious. Why was it not the Legislature of some other State that conceived the base idea? Is there not too much of this secret-session work? If more such damaging rumors get abroad the people, and especially the army, will wonder what is the use of a State Legislature and a Confederate Congress.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., February 16, 1864.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.:

SIR: Private William J. Boyle, First Regiment New York Mounted Rifles, was tried and convicted for murder of the acting provost-marshal in October last. For humane motives the sentence was not executed. He made his escape by colluding with a sentinel about the 5th instant, and, as we learn from the papers, has reached Richmond. As this man is a murderer, duly convicted, it is believed the Confederate authorities will not desire to retain him, as a murderer is defined to be an enemy to all mankind.

I am willing to give you any private soldier we hold of yours in exchange for Boyle.

I inclose General Orders, No. 37,* containing the record of Boyle's trial and conviction.

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General, U. S. Volunteers, Commissioner for Exchange.

HEADQUARTERS U. S. FORCES,
Port Hudson, La., February 16, 1864.

Brig. Gen. WIRT ADAMS, *Commanding C. S. Forces, &c.:*

GENERAL: By direction of Major-General Banks, commanding the U. S. forces, Department of the Gulf, I respectfully call your attention

* Omitted.

to the following: On or about August 3, 1863, in an affair at Jackson, La., between the Confederate forces under General Logan and a detachment of U. S. troops, mostly colored men, several of said colored troops were taken prisoners, and it was then reported that some of them were shot by the Confederate soldiers after capture.

A communication on the subject was sent from the undersigned to General Logan, to which he (General Logan) replied, denying that any such acts had been committed under his authority. For want of direct and positive evidence of the commission of the acts referred to the matter was for the time allowed to rest. Recently, however, a citizen of Jackson has made the statement under oath that the day after the affair at Jackson he saw Lieutenant Shattuck, of Scott's Confederate Cavalry, dismount from his horse and deliberately shoot dead a wounded U. S. colored soldier then lying wounded on the ground; also, that he heard said Lieutenant Shattuck say that he had shot thirteen negro soldiers that day, and that they took no prisoners. There was no fighting on the day referred to; also, that he saw Confederate soldiers taking other negro soldiers outside of town, as they said, to shoot them, and that he saw their bodies afterward on the ground, not forming any part of the battle-field, but a mile and a half distant therefrom, and in the direction in which the negro soldiers were taken for the avowed purpose of shooting them.

There is also much additional testimony corroborating the foregoing statement. I cannot longer doubt that U. S. colored soldiers captured by the C. S. forces have been deliberately murdered after capture. I am further directed to inquire of you whether such acts are or have been permitted by your officers or other authorities? If such acts are permitted, I have to inform you that prompt retaliation will take place on the prisoners in our possession. If such acts are unauthorized, I must demand the punishment of the perpetrators. In the interest of humanity I trust you will be able and willing to give me a satisfactory reply.

I am, general, respectfully, your obedient servant,

GEO. L. ANDREWS,
Brigadier-General of Volunteers, Commanding.

FORT LAFAYETTE, NEW YORK HARBOR,
February 16, 1864.

Col. WILLIAM HOFFMAN, U. S. Army,
Commissary-General of Prisoners, Washington, D. C.:

SIR: In connection with your dispatch of yesterday it may not be improper for me to state that when the State Department had charge of affairs now more or less connected with your office I received directions from Washington to allow any of the British Legation to have interviews with certain prisoners at Fort Lafayette, and I have always, when desired, allowed Mr. Archibald and Mr. Edwards Pierrepont, the counsel and his assistant, the privilege above indicated.

Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel, U. S. Army, Commanding.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Temporarily at Goldsborough, N. C., February 16, 1864.

General SAMUEL COOPER,
Adjutant and Inspector General C. S. Army:

SIR: I have the honor to inclose copies of correspondence between General Peck, U. S. Army, and myself.* I respectfully ask that all the prisoners captured in this department within the last few weeks may be held liable to my order, or, if it should be preferable to the Department, that they be returned to my custody.

I am, sir, very respectfully, your obedient servant,

G. E. PICKETT,
Major-General, Commanding.

Brig. Gen. John H. Winder asks if any arrangement has been made by the agents of exchange by which prisoners of war are allowed to receive sums of money.†

[Indorsement.]

FEBRUARY 16, 1864.

Respectfully returned to Brigadier-General Winder.

Such has been my understanding all the time, and such I am sure is the understanding of the Federal authorities. I am satisfied that the money sent from this side reaches its proper destination.

[RO. OULD,
Agent of Exchange.]

CAMP SUMTER, *Andersonville, February 16, 1864.*

Mr. WILLIAM HOPKINS:

SIR: You will proceed without delay to Cartersville, Ga., and purchase for this department six 100-gallon iron kettles, suitable for boiling meats for prisoners at this post.

Very respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

[FEBRUARY 16–17, 1864.—For Pickett to Peck, relative to the execution of certain prisoners belonging to the Second North Carolina Regiment (Union), see Series I, Vol. XXXIII, pp. 867, 868.]

[FEBRUARY 17, 1864.—For Butler to Peck, in reference to the treatment by General Pickett of certain members of the Second North Carolina (Union) Regiment, threatening retaliation, &c., see Series I, Vol. XXXIII, p. 569.]

HEADQUARTERS U. S. FORCES,
Camp Chase, Columbus, Ohio, February 17, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington City, D. C.:

COLONEL: Your letter of inquiry of 4th instant in relation to the

* See Peck to Pickett, February 11, and Pickett's reply, February 16, Series I, Vol. XXXIII, pp. 866, 867.

† Winder's letter not found.

conditions on which prisoners of war are held in the Ohio penitentiary is received. In reply I have the honor to report that the Government furnishes the following ration, consisting of bread, coffee, and sugar, the State furnishing in addition to this meat, vegetables, &c., which has heretofore been paid for out of the prison fund. In reference to the items on the bills, as presented by the State authorities some time since, the warden of the Ohio penitentiary furnishes the following statement:

In my account against the Government for subsistence of said prisoners, including fuel, lights, and cell rent, rendered to date of November 1, 1863, I charged, with the approval of the Governor, at the rate of 30 cents per day for each man, which account has been paid. We also rendered an account to same date for extra services, which was approved by the Governor, embracing the following items of additional duty, necessarily performed on account of the prisoners of war by myself and other officers of the prison, to wit, cooking and preparing meals cleaning and care of cells and beds, washing underclothing, examination of boxes, packages, &c., examination of mail matter and carrying same to and from the post-office, keeping account of prisoners' money, date of their reception, &c., and maintaining discipline, which alone has been a source more vexatious than the government of all the State convicts, for which I charged at the rate of $4.50 per day, to be divided among such of the officers as were entitled to any.

The relations that exist between the State authorities and the commandant of this post in regard to these prisoners is neither well defined nor well understood. Your advice in regard to the prevention of unnecessary expenses has been carefully noted, but how any control can be exercised over that portion of the subsistence furnished by the State and charged for in the accounts of the warden cannot be perceived, unless my simple approval or disapproval should be considered sufficient.

I am, colonel, very respectfully, your most obedient servant,

W. P. RICHARDSON,

Colonel Twenty-fifth Ohio Volunteer Infantry, Commanding.

MILITARY PRISON, *Louisville, February 17, 1864.*

Capt. S. E. JONES, *Provost-Marshal-General:*

SIR: In compliance with your orders we beg leave to submit the following in regard to sending prisoners with smallpox broken [out] on them from this prison to Rock Island, Ill. All the prisoners who have been sent North since the appearance of smallpox in the prison, about the 27th of December last, have been carefully examined by a medical officer previous to their leaving prison. This has been done at the calling of the roll. For instance, when a name was called the prisoner was immediately taken and examined by the medical officer, and if there was any doubt in the case he was not sent; and such as had the disease were always sent to the pest-house as soon as practicable. This rule was not violated in a single instance. Moreover, all who were not properly protected by previous vaccination were vaccinated previous to going forward. In no instance has any prisoner been sent from this prison with any appearance of the smallpox about him, and every possible pain has been taken to prevent anything of the kind.

We have the honor to be, very respectfully, your obedient servants,

J. C. WELCH,

Surgeon in Charge of Prison Hospital.

CHAS. B. PRATT,

Captain, Twenty-fifth Michigan, Commanding Military Prison.

[Indorsement.]

OFFICE PROVOST-MARSHAL-GENERAL,
DISTRICT OF KENTUCKY,
Louisville, February 18, 1864.

Approved and respectfully forwarded to Colonel Hoffman, Commissary-General of Prisoners, for his information.

All prisoners that are received here from any source are subjected to smallpox influences, consequently it is continually breaking out amongst them. It is impossible to retain them here until it is ascertained whether any will have it, or none would be forwarded at all. All that can be done is to examine them before forwarding (as is done) and send those who do not appear to be threatened. It has happened, however, and will continue to happen as long as the prisoners are forwarded at all, that smallpox will develop itself while they are en route for other depots.

By order of Brigadier-General Hobson:

STEPHEN E. JONES,
Capt. and A. D. C., Provost-Marshal-General, Dist. of Kentucky.

The Congress of the Confederate States of America do enact, That so much of the act of Congress passed May 21, 1861, as makes it the duty of the Quartermaster-General, under instructions issued by the War Department, to provide for the sustenance of prisoners of war, is hereby repealed, and hereafter that that duty shall devolve on the Commissary-General of Subsistence and be discharged by him, subject to the provisions of the act referred to.

Approved February 17, 1864.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
February 17, 1864.

Brig. Gen. I. N. PALMER, U. S. Army:

GENERAL: I have the honor to acknowledge your very courteous communication of the 9th instant in relation to Surgeon Baker, Twelfth New York Cavalry.

The case was duly and immediately reported to me by Major Read, C. S. Army, who took charge of the medical officer and party. They came with no flag of truce and therefore could not be recognized; in addition, the surgeon, by his inquiries, conversation, and observation, had learned too much to render his return desirable.

I fully appreciate, general, your kind remarks and remembrances in relation to myself, but you are probably not aware that on many fields of battle medical officers of my division have, when left in charge of wounded, been seized upon and kept as other prisoners under close guard. No one reprobates such a method of warfare more than I do, but we did not initiate it. I shall take pleasure in forwarding your polite communication to the proper authorities at Richmond, suggesting, upon your statement, the release of the parties named.

I am, general, very respectfully, your obedient servant,

G. E. PICKETT,
Major-General, Commanding.

CAMP SUMTER, *Andersonville, February 17, 1864.*

Capt. CHARLES R. ARMSTRONG, *Assistant Quartermaster:*

SIR: Under the order given the other day by General Mercer in regard to the quota of hands from Marion County being turned over to me I have taken the liberty of stopping them at this post. There are fifty-four slaves and five free negroes, of which I will in a day or two forward you descriptive lists. Please inform me whether I shall forward them to you at Savannah to finish out their term of labor when they have completed my work here. With the force I now have I can manage to get along very well.

Very respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

CAMP SUMTER, *Andersonville, February 17, 1864.*

[General JOHN H. WINDER:]

GENERAL: It is absolutely impossible to hire exempts to drive cattle. This class of men find speculation much more profitable than anything else, and consequently they cannot be hired; such as would be willing to perform this service are physically unable.

In regard to the construction of quarters, store-houses, and hospital buildings, I have consulted with Mr. S. Hays, a practical mechanic, who has already been of great service to me in constructing the stockade, and he advises that plank houses can be built much more rapidly and at less expense to the Government than log ones. In addition to this the negroes now employed here will have, at the end of sixty days, to be returned to their homes, and I shall have no means of replacing them. I have intended to use logs whenever they could be used to advantage.

Mr. Stewart, a gentleman of this county, is already, at my instigation, putting up a mill only four miles distant, to saw and grind for this post. The sort of lumber required for the railroad are stringers, six inch by eight inch, and the plank which comes off the sides of these will give me the requisite lumber, and by this means both railroad and the Government will be supplied without injury to the other. Under these circumstances, as your present orders are imperative to construct the buildings of logs, I would respectfully ask that this matter be left to my discretion and that I be allowed to use logs or plank, as the occasion requires. Please give this matter your immediate attention, as a portion of the work will await your instruction in this matter.

As regards the pay of detailed men, I would respectfully refer you to the following quotation from an order from the Subsistence Department, to take effect from January 1, 1864:

The following is a substitute for paragraph 1133:

"The pay allowed detailed men at posts or stations without troops, or in counties, towns, or Government workshops, is $3 per day, in lieu of all commutation or allowances, except the regular monthly pay of a soldier, to be paid by the departments in which the men are detailed, &c. This regulation to continue in effect until 31st of December, 1864."

These instructions were sent Major Locke, chief purchasing commissary for this State, who has kindly furnished me with a copy. The quartermaster's departments at Savannah, Macon, Augusta, Albany, and elsewhere in this State are paying their detailed men under this order $3 per diem.

Please telegraph me on this subject at once, as I am anxious to pay off the extra-duty men for last month, and please send me all the late

orders bearing on duties of officers in Quartermaster's Department from the Adjutant-General's Office.

Capt. W. S. Winder desires me to state for him that Colonel Persons has just informed him that he will not have more than 100 men altogether in his command, and that those of his command who have arrived at this post as guards are without guns.

Very respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 18, 1864.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

COLONEL: The Secretary of War directs that the following-named officers of the Army, now in this city, who have recently escaped from Richmond, where they were held as prisoners of war, be ordered to join their respective commands, with authority to delay on the route thirty days, viz:

Col. W. B. McCreery, Twenty-first Michigan Infantry; Col. W. P. Kendrick, Third West Tennessee Cavalry; Lieut. Col. Alex. von Mitzel, Seventy-fourth Pennsylvania Volunteer Infantry; Lieut. Col. J. F. Boyd, quartermaster of volunteers; Lieut. Col. George G. Davis, Fourth Maine Infantry; Lieut. Col. T. S. West, Twenty-fourth Wisconsin Volunteer Infantry; Lieut. Col. H. C. Hobart, Twenty-first Wisconsin Volunteer Infantry; Maj. J. P. Collins, Twenty-ninth Indiana Infantry; Maj. G. W. Fitzsimmons, Thirtieth Indiana Volunteers; Capt. J. F. Gallaher, Company B, Second Ohio Volunteer Infantry; Capt. Matt. Boyd, Seventy-third Indiana; Capt. A. G. Hamilton, Company A, Twelfth Kentucky Cavalry; Capt. I. N. Johnston, Company H, Sixth Kentucky Volunteer Infantry; Capt. W. S. B. Randall, Company C, Second Ohio Infantry; Capt. Michael Gallagher, Second New Jersey Cavalry; Capt. Morton Tower, Thirteenth Massachusetts Volunteers; Capt. D. J. Jones, Company D, First Kentucky Infantry; Capt. G. C. Rose, Fourth Missouri Cavalry; Capt. T. Clark, Seventy-ninth Illinois Infantry; First Lieut. Albert Wallber, Twenty-sixth Wisconsin; First Lieut. John C. Fislar, Seventh Indiana Battery; First Lieut. William Reynolds, Seventy-third Indiana Volunteers; Lieut. James M. Wells, Company F, Eighth Michigan Volunteer Cavalry; Lieut. L. P. Williams, Seventy-third Indiana Volunteers; Lieut. N. S. McKeen, Company H, Twenty-first Illinois; Lieut. R. Y. Bradford, Company E, Second West Tennessee Cavalry.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS U. S. FORCES,
Columbus, Ohio, February 18, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington City, D. C.:

COLONEL: I have the honor to ask for instructions in relation to authorizing the sale of articles by the sutler to prisoners of war now held in the prison at this post. I find on record your order to Colonel Wallace directing him to confine the sutler to the sale of the following-

named articles, to wit, tobacco, pipes, paper, and postage stamps. Since then there seems to be no orders on file from you touching the sale of other articles by the sutler to prisoners. There seems to be a necessity that the prisoners be permitted to purchase combs, soap, thread, needles, and other articles necessary for their cleanliness and the preservation of their clothing.

I am, colonel, very respectfully, your most obedient servant,

W. P. RICHARDSON,

Colonel Twenty-fifth Ohio Volunteers, Commanding.

HEADQUARTERS MILITARY STATION,
Alton, Ill., February 18, 1864.

Col. W. WEER, *Tenth Kansas Volunteers, Commanding Post:*

COLONEL: In accordance with my instructions from the Commissary-General of Prisoners I have the honor to request the following, viz: First. That the female prisoners now held in confinement at this post be, as soon as practicable, placed in quarters more appropriate to their sex, the quarters at present occupied by them being utterly unfit for the purpose. Second. That a more thorough system of police be enforced throughout the prison; that additional facilities for supplying the prisoners with water be provided, and that it be ordered that all prison blankets and bedding be exposed to the open air daily when the weather permits. Third. That as soon as practicable the prison sinks be thoroughly cleansed and their connection with the main sewer cleared. Fourth. That the shed at present used as a dead-house be properly inclosed and lighted, and furnished with the necessary tables and appliances for making post mortem examinations of such deceased prisoners as may be deemed necessary by the surgeon in charge. Fifth. I am informed by the surgeon and chaplain that the ground now used for the burial of deceased prisoners is in a dilapidated condition. I would suggest that a fence be placed around it, and that it be kept in as decent condition as circumstances will permit.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

HEADQUARTERS MILITARY STATION,
Alton, Ill., February 18, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a thorough inspection of the military prison at this post, a detailed report of which I forward herewith. I shall leave to-morrow morning for Saint Louis, Mo. I have written by the previous mail advising you of my movements.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of the U. S. military prison and hospital at Alton, Ill., February 17 and 18, 1864, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Surgeon in charge—Surgeon Worrall, U. S. Volunteers. Commandant of post—Col. W. Weer, Tenth Kansas Volunteers. Location—Alton, Ill.,

on bluff on Mississippi River. Vicinage—city on south, river on west, high land on north and east. Topography—ground high, limestone bluff. Drainage—at present bad; drains frozen up; naturally good and tolerably improved; might be better. Prison buildings—old State penitentiary, with additional frame buildings in prison yard. Wards—two in building on north side of prison yard. Tents—six in smallpox hospital. Capacity—of prison, properly 800, now contains 1,757 prisoners; of hospital, 125; of smallpox hospital, 50. Patients, number of—in hospital, 125; smallpox hospital, 20; total, 145; in quarters, 109. Patients, condition of—excellent, clean and well taken care of. Patients, discharge and return to duty of—returned to quarters when convalescent, except such as are needed as nurses, &c. Ventilation—only through side windows in hospital; in prison, sufficient in main building, utterly insufficient in the others. Warming—sufficient in all parts by coal stoves. Fuel—supply sufficient. Lighting—in hospital, by coal-oil lamps; in main prison, gas. Lavatories and baths—hospital, insufficient, but can be made to answer purpose at present; in prison, no arrangement except one caldron; hospital clothing washed outside prison. Water supply—from river; conveyed in barrels in one six-mule wagon; entirely insufficient; another wagon ordered. Sewerage—by one main sewer into river. Water-closets, latrines, and sinks, excreta, removal of—sinks, on north side of yard in close proximity to hospital, connect with main sewer, which connection is now interrupted from some cause, and the sinks are in a filthy and most offensive condition; ordered to be cleansed without delay and connection with main sewer reopened. Furniture and utensils—supply sufficient, and in hospital in very good order. Bedding—in hospital, sufficient and clean; in prison quarters, sufficient, but filthy, and swarming with vermin. Kitchen and kitchen utensils—in hospital, in excellent order and police; in prison, kitchen in great disorder and miserable police; mess-room in somewhat better police; much cooking and messing is done in prison quarters; directed to be discontinued. Cooks—detailed prisoners. Cooking and serving—in hospital, well done; with the prison kitchen in its present condition cannot be properly done. Diet, quality and variety of—in hospital, nearly U. S. general hospital diet table; in prison, ordinary rations. Supply of vegetables—sufficient. Dispensary—in very good order, in charge of a hospital steward, U. S. Army. Instruments, medicines, &c.—supply sufficient and in good order; compounding and dispensing by prisoners detailed as acting hospital stewards, under charge of a hospital steward, U. S. Army. Hospital stores and comforts—necessary supplies. Hospital records and accounts—very well and apparently accurately kept. Hospital fund—$900, January 1, 1864; judiciously expended for articles of diet, hospital furniture and utensils and hospital laundresses. Clothing—sufficient supply, obtained on requisition on the medical purveyor. Reports—well kept up and apparently exact. Requisitions—promptly filled. Laundresses and laundry—no hospital or prison laundry; hospital washing done outside and paid for from hospital fund. Repair, alterations, and additions—dead-house required and directed; laundry directed, as the prison yard is too much encumbered already. Prevention of fire—if occurring in yard buildings can hardly be arrested without tearing down the buildings, owing to scarcity of water. Medical attendance—sufficient and skillful. Chaplain—post chaplain. Discipline and police—in prison, no discipline; in hospital, all are orderly, though not under strict discipline. Police—of hospital, good; of prison, generally much neglected. Nurses—men, detailed prisoners; women, three female prisoners now confined in a damp,

half-underground room, only partitioned off from an open cellar. The commandant has been requested to remove them to quarters better fitted to their sex. Their present condition is an outrage on humanity. Operating and post-mortem rooms—none. Dead-house—an open shed; have directed that it be inclosed and lighted, and fitted for its purpose, and as a post-mortem room. Interments—near the prison; did not visit it, but am informed that it is unfenced; have directed that it be fenced in. Diseases local—malarial fevers, forming with catarrh the great bulk of the sick-list. Diseases prevalent—pneumonia, bronchitis, catarrh, intermittent fever, chronic diarrhea. Diseases zymotic—smallpox has been prevalent, but is now rapidly disappearing; the same may be said of measles. Diseases, mitigation and prevention of—in hospital all is done that care and attention can accomplish, but the close and crowded quarters keep the hospital constantly full; every precaution is taken to prevent the spread of smallpox.

Report for January, 1864—mean strength, 1,708; aggregate sick, in hospitals and quarters, 1,882; deaths. 92. Percentage of deaths to mean strength, .053; percentage to sick, .048. Average daily sick in hospital, $144\frac{11}{31}$; in quarters, $135\frac{8}{31}$. Cases smallpox, 107; deaths, 28; percentage, 26.17. Cases smallpox since February 1, 26; deaths, 5; percentage, 19.23; present cases, 20, mostly varioloid.

Medical officers—Surgeon Worrall, U. S. Volunteers, post surgeon, reported about February 10, 1863; two acting assistant surgeons. Actg. Asst. Surg. H. Williams, formerly in charge and still on duty as attending surgeon, is entitled to great credit for the generally satisfactory condition of the hospital. One hospital steward. There are at present confined in this prison as follows, viz: Prisoners of war—officers, 8; enlisted men, 1,523; civilians, including three females, 60; Federal prisoners, 166; total, 1,757. Prison fund, January 31, 1864, $9,087.34. The smallpox hospital is still located on the island in the river opposite the prison. Intercourse with it is sometimes interrupted by the obstruction of the river by ice, as was the case at the time of my present inspection. I am, however, assured that every precaution is taken to prevent the sick on the island from suffering from this non-intercourse, five to ten days' supply of rations (except fresh meat), medicines, and other necessaries being kept on hand. I am also assured that at no time hitherto has intercourse been suspended for more than forty-eight hours at a time. The chief difficulty caused by it has been the prevention of the immediate transfer of smallpox patients from the prison to the island. Thus, at the time of my inspection there were four cases of the disease within the prison walls awaiting transfer. Such cases are, however, almost entirely [isolated] from the other inmates of the prison until they can be removed. The utmost care appears to be taken to prevent the spread of the disease. Vaccination is thoroughly enforced. All infected clothes and bedding are removed to the island and none allowed to be returned, convalescents being furnished complete with new clothing before leaving the island. I was, for the reason above given, unable to inspect the smallpox hospital, but I am assured by the surgeon in charge that it is in good condition in every respect, and, judging from the condition of the prison hospital, I place confidence in his statement. The commanding officer appeared much chagrined at the condition in which the prison was found as regards police, &c., and gave his assurance that as soon as the weather and as far as the state of the prison will permit it shall be rectified. I would respectfully but urgently represent the absolute necessity of speedily diminishing the number of prisoners confined in this prison, which was originally

intended to contain but 800. It now contains nearly 1,000 more. I append a table of the measurements of the various parts of the prison, with a calculation of the number of cubic feet and inches of air allowed to each prisoner. These measurements and calculations were made by Acting Assistant Surgeon Williams at my request, and I presume them to be correct, though I have had no time to verify them.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Sub-inclosure.]

Admeasurement of quarters in Alton Military Prison January 10, 1864.

Quarters.	Width.		Length.		Height.		Total number—		Number of inmates.	Average allowance of air to each man.	
	Feet.	Inches.	Feet.	Inches.	Feet.	Inches.	Cubic feet.	Cubic inches.		Feet.	Inches.
Room No. 1 *a*	7 20	3 4	4 25	6 6	9 9	3 3	5,097	1,560	23	265	261
Room No. 2	13	....	49	9	9	4	6,037	792	42	143	1,294
Room No. 3	13	....	49	9	9	4	6,037	792	36	167	1,222
Room No. 4	12	4	46	2	8	3	4,651	280	28	166	195
Room No. 5	12	6	27	8	9	5	3,256	1,032	32	101	1,325
Penitentiary: *b*											
Sides East side	8	10	153	9	33	4					
Sides West side	8	10	153	9	33	4	102,756	832			
Ends 1	9	1	20	2	33	4					
Ends 2	9	1	20	2	33	4			700	204	1,119
Cells, old (88) *c*	3	10	7	....	7	3					
Cells, new (168) *c*	4	1	7	7	7	3	40,497	72			
Cells, doors	1	8	1	9	5	10					
Little house, above	14	2	19	10	9	6	2,669	408	13	205	486
Little house, below	11	3	18	9	7	2	1,511	1,242	13	116	494
Old dead-house	15	6	24	....	12	8	4,712	.....	20	235	1,036
Old stable, above	29	9	49	4	12	....	17,082	1,188	120	142	614
Old stable, below	29	9	49	4	9	5	13,821	1,184	80	172	1,332
Rock building, above	46	....	46	8	11	2	23,971	192	200	119	1,478
Rock building, below	46	....	97	....	13	4	59,493	576	275	216	586
Quarters of Federal prisoners	50	....	103	....	20	6	105,575	.....	197	535	1,578
Quarters of civilian prisoners	50	....	36	....	17	....	30,600	.....	57	536	1,455
	....	....	.....	....	....	....	427,770	1,510	1,836	232	1,700

a Measured in two parts, being partially divided by a partition.
b 33 feet 4 inches is the mean height.
c Main body of prison.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, February 19, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: Upon the matter of the declaration of exchange of prisoners I have the honor to report that following what I believed to be the ordinary routine of the business of exchange, and in order that the equivalent of our men might be put into the field to meet those received from us by the Confederates, I made the declaration of exchange.

It is "*in ipsissimis verbis*" so far as applicable with the other declarations of exchange heretofore made, copies of some of which I hereunto annex in proof of this assertion.

This declaration, it will be observed, only affects those men actually delivered at City Point.

The Confederate commissioner, acting, as I believe, under the exact provisions of the cartel, has declared exchanged those who have been

delivered to him up to the 1st of January, as will appear by the paper hereto annexed.*

I could and can see no reason why we should not declare those so delivered exchanged. I am unable to see any hidden, secret, or malign influence that it can have upon any pending question. I am unable to find a single good reason against it. I find it exceedingly difficult to argue a question where there seems to be but one side.

When in my former note to the Honorable Secretary of War I spoke of 750 men, I spoke of the number of individuals and not of the number reduced to privates, and the letter of Major-General Hitchcock, which would seem to contravene that number, is not too ingenuous. The objection made in that letter that "the declaration would have admitted defense if you had extended it to a number precisely corresponding to the number delivered by yourself according to the fifth article of the cartel, supposing that instrument operative," is exactly met by the case in hand, because since the last declaration of exchange only special exchanges have been made by delivery at City Point, of man for man, equivalent for equivalent, so that when the declaration of exchange states that all who have been delivered at City Point up to a given time, since the last declaration of exchange, it is saying the precise number which have been exchanged.

To the statement in the letter of General Hitchcock that "the declaration should have set out the grounds of it," I answer, the universal practice of the office has been not to do so, and this would seem to be a hypercriticism on his part, because I made the declaration and not himself, as it is made precisely as he makes such declarations.

Again, it is said that "a proper list should have been furnished of those declared to be exchanged for announcement from the Adjutant-General's Office for the information of all concerned, and Mr. Ould should have been furnished a list of those delivered to him." To that I answer that such lists have not been announced heretofore, and such has not been the practice (see General Orders, No. 134, series 1862, and Nos. 10, 117, and 167, series 1863); and as to the delivery of a list to Mr. Ould, I answer that it has been done, and no man has been delivered to him without a list, and he knows who has been delivered to him without my telling him a second time, and he makes no objection on that account. As to making "the announcement by a list for the information of all concerned," if that means the officers and men who would be returned to duty because of the declaration of exchange, each one of them will be likely to remember what time he escaped from Libby Prison and Belle Isle, and each one of those will know whether he was delivered at City Point and when; therefore the announcement of the day prior to which all who had been delivered were exchanged is sufficient.

I pray the Secretary to examine, as covering this whole matter, my declaration of exchange and the copies of the general orders hereto annexed.†

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

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* See Ould to Hitchcock, January 27, p. 884.

† See General Orders, No. 134, Adjutant-General's Office, September 19, 1862, Vol. IV, this series, p. 540; General Orders, No. 10, Adjutant-General's Office, January 10, 1863, Vol. V, this series, p. 169; General Orders, No. 117, Adjutant-General's Office, May 9, 1863, *ibid.*, p. 584; General Orders, No. 167, Adjutant-General's Office, June 8, 1863, *ibid.*, p. 758; Butler's declaration of exchange, January 24, 1864, p. 871 *ante*.

HEADQUARTERS FORT DELAWARE, DEL.,
February 19, 1864.

Received from Capt. J. N. Patterson the rebel General M. Jeff. Thompson, prisoner of war.

By order of Brig. Gen. A. Schoepf:

GEO. W. AHL,
Captain and Acting Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 19, 1864.

Brig. Gen. H. D. TERRY,
Commanding U. S. Forces, Sandusky City, Ohio:

GENERAL: I have frequent complaints made to me that the prisoners of war in many instances suffer for want of clothing. The instructions which have been given to commanders of prison stations contemplates that prisoners will be supplied with all the clothing necessary to prevent suffering, and if it is not furnished by their relatives it is to be issued by the Quartermaster's Department. If there are any cases at Johnson's Island of prisoners in summer clothing, or clothing very much worn, so as to render it unfit for the season, will you have the kindness to order such as is proper issued?

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

ANDERSONVILLE, *February 19, 1864.*

Capt. C. H. BERRY, *Assistant Quartermaster:*

CAPTAIN: I shall send Mr. Pickett, one of my agents, to Albany in a day or two. Please assist him in any way you can. He contracts with Drew's Mill, at Adams' Station, to furnish me meal, and I respectfully ask that you order your receiving agents at that point to turn over to Drew the number of bushels of corn per week which he contracts to grind. His receipt will be the same as my own, as I shall empower him to receive. Please attend to this matter at once, as it is necessary these mills should commence operations at once. Captain Craft, at Americus, has given his agents the same instructions with mills that I have contracted with in his district. Let me hear from you at once on this subject, and let me know if you will be able to keep up the necessary supply of corn during the year.

Respectfully, &c.,

R. B. WINDER,
Captain and Assistant Quartermaster.

CAMP SUMTER, *Andersonville, February 19, 1864.*

[Capt. W. H. BROTHERTON:]

CAPTAIN: I send inclosed receipts and invoices corresponding for everything I have received from you. Mr. Welch will tell you that the railroad agent here is witness to the facts. You hold the railroad

receipts, and as there is no possible doubt of the missing articles having been stolen or wasted on the road, you must hold them responsible for the difference in your original invoice and my receipt. It is time that this wastage on this railroad should be stopped, and you now have all the evidence you want. Mr. Pickett, one of my agents, will be in Albany in a day or two and pay the $650 which you were kind enough to advance for me. Have written to Mr. Powers in regard to lumber train. The Yankees will commence arriving at this post on Sunday next. Please forward all the provisions you can.

Respectfully, &c.,

R. B. WINDER,
Captain and Assistant Quartermaster.

WAR DEPARTMENT,
Washington, February 20, 1864. (Sent 11 a. m. 21st.)

Maj. Gen. B. F. BUTLER,
Comdg. Dept. of Virginia and N. Carolina, Fort Monroe, Va.:

Have you any information that any officers of the U. S. Navy now held by the rebels as prisoners of war are kept in irons and close confinement?

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[FEBRUARY 20, 1864.—For Peck to Pickett, relative to the execution of certain prisoners belonging to the Second North Carolina Regiment (Union), see Series I, Vol. XXXIII, p. 868.]

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, Va., February 20, 1864.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: Your letter of the 15th instant in regard to furnishing boxes of eatables and clothing to prisoners is received. In the course of the negotiations for the supplying of comforts to our prisoners this state of facts has obtained:

First. That the rebel authorities received all provisions from whatever source sent to the prisoners. Then, because of accusations of the late commissioner of exchange, General Meredith, published in the newspapers, that these provisions were embezzled for sustenance for General Lee's army, they refused to receive any boxes either from our Government or from State governments. Then, because the Sanitary Commission and various benevolent individuals indulged their patriotism by labeling their boxes, "To our starving soldiers in Richmond," "To our brave defenders in Libby Prison," the rebel authorities refused to receive all boxes sent to our prisoners. At my intercession, however, Mr. Ould, the Confederate commissioner, agreed to receive boxes from private sources, *i. e.*, from the friends and families of our prisoners. But after the 500 prisoners were exchanged from Point Lookout and reported that by your order boxes of provisions and clothing

were not delivered to Confederate prisoners there, true, Ould refused, owing to a cry arising in the newspapers at Richmond that he was furnishing our prisoners with their boxes, while the Confederate prisoners were deprived of their boxes, to permit any boxes to be sent to our men under his charge unless I would assure him that the Confederate prisoners under my charge received their boxes, and as I had long since been taught, "Do as you would be done by," this seemed to me eminently just, and I therefore gave an order to General Marston that the boxes containing nothing contraband or hurtful sent from private sources might be delivered to the prisoners and informed Mr. Ould by the last flag-of-truce boat of that fact, and received his assurance through the assistant agent of exchange that the boxes sent by the friends of our prisoners should be delivered to them.

I agree fully that the delivery of packages to prisoners causes the commanders of camps a great deal of trouble. The question certainly gives me a great deal, but I undergo that trouble very cheerfully, and would if it were twice as much, in order that our prisoners may get even small alleviations for their sufferings than that which they receive from their friends.

I have conversed with many of our prisoners on that subject and they say that the boxes received from their friends have been almost a source of support to them, and they were complaining loudly of the Confederate Government because that source of supply had of late been substantially cut off.

The last number of prisoners that escaped left on Monday, and the assurance that Mr. Ould sent me was given on the same day and they had not heard of the resumption of the delivery of packages, but I have no doubt it has been resumed.

I agree with you fully that the rebel prisoners in our hands are abundantly fed, but I suppose that when you and I were at school we were abundantly fed and our stewards at that time hardly thought it an imputation upon their feelings because we received boxes of sweetmeats and cakes from home. Pardon me, but I look at this matter, so far as the rebel prisoners are concerned, pretty much in the same light. But with our soldiers in their hands it is a matter, as I am instructed, of almost entire subsistence.

In the meantime, therefore, I desire to have and shall have the delivery of packages made in accordance with the views herein contained, unless specially directed to the contrary by the Secretary of War; for I cannot ask the Confederate commissioner to deliver boxes to our prisoners from their friends while I refuse to deliver boxes from their friends to their prisoners. Whenever the time comes for our Government to retaliate upon these men for the wrongs done to our prisoners I assure you it shall be done in a much more explicit and telling manner than by withholding boxes and provisions from their prisoners sent them by their friends.

In the meantime I do not permit anything to come from the Confederate Government or from State governments of the Confederacy for the support of their prisoners, for that would be an implied admission that we were not supporting them sufficiently; and therefore when Governor Vance, of North Carolina, forwarded through Commissioner Ould a draft for $9,000 in favor of the Governor of New York, to be by the Governor of New York expended for the benefit of North Carolina prisoners in our hands, I retained such draft and still do retain it, and have notified Mr. Ould unofficially, and shall hereafter inform him officially, if such relations ever exist between us, that the United

States does not select the Governors of any States to take care of its prisoners of war, or allow any one else to so select any one of them, however much they may respect such officers in their appropriate sphere; and that if Governor Vance or the Governor of any other State desires to have money expended for the benefit of prisoners, that if the same privilege is given ours, we shall have no objections to such expenditures, provided it is done through the agent of the United States Government, and not through any correspondence between the Governors of States.

I would also call your attention to what I think will be necessary to be done further in this direction, to wit, that the Confederate prisoners be allowed to purchase such things as they may desire to wear, eat or drink, intoxicating liquors alone excepted, with their own money, or that furnished them by their friends, and I would like to have your views upon this subject.

I also desire to ask your attention to these views because if they influence your judgment, as they have mine, I trust we shall make a uniform order to all the prisoners held by us, that they shall be allowed to receive boxes from their friends, and buy with their own money a reasonable amount of things which they may need.

Awaiting an interchange of views, I am, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 20, 1864.

Brig. Gen. W. W. ORME, *Commanding Post, Chicago, Ill.:*

GENERAL: Your report of the 8th instant in relation to provisions issued to troops and prisoners of war at Camp Douglas by the contractors, Messrs. Fowler & Co., has been laid before the Secretary of War, with the recommendation that the contractors be required to make good in money the deficiencies in beef, soap, and molasses, at such rates as you may determine. The money so collected to be paid into the post fund or prison fund, according as the deficient rations were due to the troops or prisoners of war; and with the further recommendation that Col. C. V. De Land, First Michigan Sharpshooters, for his neglect of his duty as commanding officer and as inspector of provisions under contract in permitting his command to receive rations which were deficient in quality and quantity, be brought before a court-martial for trial. The foregoing recommendations have been approved by the Secretary of War, and pursuant to his instructions I have respectfully to request that you will take the necessary steps to put them in execution.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

FORT LAFAYETTE, *February 20, 1864.*

Col. WILLIAM HOFFMAN, *Commissary-General of Prisoners:*

Brig. Gen. W. H. F. Lee has just been informed by letter, from a gentleman direct from Washington, that a proposition had been made

by the Confederate authorities to exchange Brig. Gen. Neal Dow and Captains Sawyer and Flinn for himself and any two captains whom the United States Government might designate.

It was also stated in this letter that the United States Government had acceded to the proposition and that orders had been issued to have the exchange carried out. As I have been held as one of the hostages for Captains Sawyer and Flinn, I would respectfully request that I may be selected as one of the captains for exchange.

Respectfully,

ROBERT H. TYLER,
Captain, Eighth Virginia Infantry.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, February 25, 1864.

Respectfully submitted to the Secretary of War.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

WAR DEPARTMENT, *February 25, 1864.*

Respectfully referred to commissioner for exchange of prisoners for remark.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Third indorsement.]

MARCH 2, 1864.

This matter has been placed in the hands of General Butler.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Fourth indorsement.]

WAR DEPARTMENT, *March 25, 1864.*

Respectfully returned to the Commissary-General of Prisoners, with reference to Major-General Hitchcock's statement.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

CAMP SUMTER, *Andersonville, Ga., February 20, 1864.*

[General J. H. WINDER:]

GENERAL: Inclosed please find letter* of Maj. J. L. Locke, which will explain itself. In obedience to orders from Quartermaster-General I am first endeavoring to get my supplies from the Commissary Department, and I am quite certain that it will be as much as I can do to supply this post with provisions by getting what I can from the Commissary Department and purchasing the balance. If instructions can be given to Maj. P. W. White, chief purchasing commissary of Florida, to turn over or sell beeves to me at Quincy, Fla., it would be of very great assistance to me. Of course I shall have to have the beef driven

* Not found.

myself. I am told by reliable authority that Major White has already purchased large quantities of cattle in Florida, and he has his agents throughout the State. Please give this matter your earliest attention.

Respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

CAMP SUMTER, *Andersonville, February 20, 1864.*

[Maj. P. W. WHITE:]

MAJOR: I have as yet only received some 10,000 pounds of the bacon ordered to me. Your agent at Americus did not have on hand more than 4,000 or 5,000 pounds. The prisoners arrive here to-day. Please make some arrangement at once about my supply of bacon which will insure me against failure. Arrangements are being made to feed prisoners on beef so far as it can be obtained from Florida, but it is not yet in condition to drive. Will keep you advised in this matter. Meal I can supply myself with. Major Locke instructed me to call upon you for your present rates of purchase for the Government in the Commissary Department.

Respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

NATIONAL HOTEL, *Washington, February 21, 1864.*

His Excellency President A. LINCOLN:

In addressing you personally I offer as an excuse a request from friends to do so. My object is to bring the subject of the imprisonment and condition of my fellow-officers at Libby Prison, Richmond, Va., and the extreme suffering of our enlisted men on Belle Isle (that rebel hell) before you. Having recently escaped from Libby with others, I can speak advisedly. So far as the officers are concerned their treatment can be tolerated, though it is indeed bad, but the enlisted men are treated brutally, cruelly. Many have frozen this winter; many more have died from actual starvation. From the causes above mentioned about twenty per day are dying, and should they remain during the spring and summer in confinement I am satisfied more than one-half will never again be fit for duty. These men are our best and bravest soldiers, very few being skulkers. Can not, ought not, something to be done for these brave fellows? Should any question of policy stand in the way of their release? Something ought to be done, if consistent with the honor of our Government and the advancement of our common cause. I was requested by Lieut. Col. R. S. Northcott, of West Virginia, who is a prisoner at Libby, to call at the Executive Mansion and see you in regard to his condition. He desired me to see you because he knew you to have a warm, sympathetic heart. Colonel Northcott, Twelfth Virginia, has been confined in Libby since about the 20th day of June and would have escaped with me but that his health was too bad to undertake it. The colonel's health, if he remains much longer in Libby, will be wholly destroyed, and should he be soon released I think he could soon recruit his health and enter the field again, which he greatly desires. I would humbly petition you for the

purpose of preserving a valuable life to the country, for humanity's sake, for all that is sacred, have Colonel Northcott released by special exchange, if it can not be done otherwise. Colonel Northcott begged this favor of me, but do not think that I have forgotten my other fellow-officers. Although I have through great trials, dangers, and difficulties restored myself to liberty, which is appreciated fully by me, I can not forget my brother officers and fellow-soldiers yet in bonds. Excuse this liberty.

Yours, truly,

W. P. KENDRICK,
Colonel Third West Tennessee Cavalry.

WAR DEPARTMENT, *Washington City, February 22, 1864.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.:

SIR: The Secretary of War instructs me to acknowledge the receipt of your letter of the 13th instant, in which you advert to your previous letter of the 29th of December last, requesting that instructions should be given for the close confinement in irons of Commander William A. Webb and some other prisoners captured in the rebel steamer Atlanta, in retaliation for the close confinement in irons of Lieut. Commander E. P. Williams and others, of the U. S. Navy, and now desire to be informed what action has been taken thereon by this Department.

In reply the Secretary of War instructs me to say that your previous letter was referred to the commissioner of the exchange of prisoners. It is understood that no officers of the U. S. Navy are now kept in irons by the rebels, but General Butler has been telegraphed for further information, and if any are so held an equal number will be subjected to the same treatment.

I have the honor to be, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WAR DEPARTMENT, *Washington City, February 22, 1864.*

Maj. Gen. B. F. BUTLER,
Comdg. Department of Virginia and North Carolina,
Commissioner for Exchange of Prisoners, Fort Monroe:

SIR: The Secretary of War directs that you send an experimental boat under flag of truce to City Point, Va., with 200 rebel officers, with an offer to exchange them for a like number of U. S. officers held by the rebel authorities as prisoners of war.

The prisoners will be sent to City Point under the charge of Major Mulford, agent for exchange, who will be instructed by you to make a formal offer to exchange them for a like number of U. S. officers of corresponding grades now held as prisoners of war by the rebel authorities at Richmond, Va.

The prisoners sent up will be placed on their parole not to go beyond City Point and to return with the flag-of truce boat unless duly accepted and exchanged by the rebel authorities.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

FORT MONROE, *February 22, 1864.*

General ED. R. S. CANBY:

Two officers are kept by the rebels prisoners in irons and in close confinement in alleged retaliation for two captains kept in prison by order of General Burnside, having been tried by court-martial. I have addressed Mr. Ould on the subject by last flag of truce and expect an answer soon.

BENJ. F. BUTLER,
Major-General.

[Indorsement.]

FEBRUARY 22, 1864.

The two officers in irons in Richmond are army officers. They were placed in irons, as General Butler states, in retaliation for two officers supposed to be similarly held under General Burnside's orders.

The rebels are in error in supposing that two of their officers are in irons as they allege.

General Terry has been communicated with on the subject, and by telegraph states the fact as above.

The naval officers placed in irons on account of Beall's marauding party have been released from close confinement, as I understand, but General Butler must know and it would be well to inquire of him.

E. A. HITCHCOCK,
Major-General of Volunteers.

FORT MONROE, VA., *February 22, 1864.*

SECRETARY OF WAR:

Flag-of-truce boat arrived. No news of military movements of interest. I am able to answer more particularly about the officers in irons. There are but two, in retaliation for two officers confined in Alton, Ill., penitentiary, by order of General Burnside, as is alleged.

BENJ. F. BUTLER,
Major-General. Commanding.

WASHINGTON, D. C., *February 22, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: From a conversation I have just had with Colonels Hobart and Boyd, two of our returned prisoners from Richmond, I am induced to believe that it is expedient to send an experimental boat under flag of truce to City Point with 100, and possibly 200 or 300 officers, prisoners of war, with an offer to exchange them for Federal officers, prisoners in Richmond, of corresponding grades.

The gentlemen above named appear to be quite confident that we can by this means withdraw a number of our prisoners from Richmond; that, notwithstanding the public declaration from the other side on the subject of recognizing or the refusal to recognize General Butler in the business of exchange, the rebel authorities will feel compelled to accept their own officers and return a like number.

If they should refuse to do so the returned prisoners give their opinion that the refusal will seriously damage the cause of the South, and in this opinion I concur and beg leave respectfully to recommend that General Butler be instructed to make the experiment suggested, unless there should be reasons against it unknown to me.

General Butler, of course, would not go to City Point himself. Major Mulford could execute the duty. The officers sent for exchange might

be placed under parole to go no farther than City Point, unless accepted and exchanged on the other side.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,
Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 22, 1864.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

COLONEL: Lieut. Col. H. C. Hobart, Twenty-first Wisconsin Volunteers, and Col. J. F. Boyd, assistant quartermaster, have just reported to me as escaped from Richmond, and, by direction of the Secretary of War, I have the honor to request that the former may be ordered to join his regiment, with permission to delay en route thirty days, and that the latter may be ordered to report at such station as he may be assigned to by the Quartermaster-General, with like authority to delay.

Very respectfully, your obedient servant,

W. HOFFMAN,
Commissary-General of Prisoners.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, Mo., February 22, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a thorough inspection of the military prisons in this city, a detailed report of which I forward herewith. As Lieutenant-Colonel Marsh, acting assistant provost-marshal-general, accompanied me on my inspection, when I called his attention to such necessary reforms as came under his jurisdiction, and as the sanitary reforms required are only such as may be readily perceived by an energetic and capable medical officer, and such I understand Surgeon Breed to be, I have not deemed it necessary to give any written instructions on the subject, being only careful to draw the attention of both these officers to the necessary points. Benton Barracks I did not visit, they being now occupied by Federal troops. Would it not be practicable to transfer these prisoners to Benton Barracks? A portion of that camp could be readily prepared to receive them, and would not require a much greater guard than is now employed. Neither of the buildings now in use are well adapted to their purpose. The main building of the Gratiot Street Prison might be retained for sentenced prisoners, or still better, retain the penitentiary at Alton for such prisoners, and dispose of the remainder among the other prison camps. I ask pardon, colonel, if, in presuming to offer these suggestions, I exceed my duty. There being a prospect of Alton being placed within General Rosecrans' department, he has requested me to furnish him with an abstract of my report on the condition of that post, and also with the same in reference to this post. I shall leave to-morrow morning for Rock Island, stopping at Chicago to obtain any communication which may be there awaiting me from your office.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of the Gratiot Street Military Prison and hospital at Saint Louis, Mo., February 20, 1864, by A. M. Clark, surgeon and acting medical inspector of prisoners of war.

Surgeon in charge—Actg. Asst. Surg. G. H. Hood. Surg. B. B. Breed, U. S. Volunteers, has just reported, but has not yet assumed charge. Location—corner Gratiot and ——— streets, in southern part of city. Vicinage—city. Topography—ground somewhat elevated. Drainage—into main street sewer; not very good. Buildings, formerly McDowell Medical College—main building with two wings, also two dwelling houses used for hospital purposes. Wards—two in main prison, one square room on second floor of north wing, 70 by 70 by 14 feet; one octagonal room on second floor of main building about 60 feet in diameter and 15 feet high; also 6 rooms each about 14 by 15 by 9 feet in the dwelling houses; capacity, about 125 beds. Number of patients—124 in hospital. Condition of patients—not at all satisfactory; bedding, clothing, and persons, foul; wards in bad police. Patients, present number of prisoners—commissioned officers, 54; enlisted men, 521; total, 575. Ventilation, warming, and lighting—the prison and hospital may be said to be entirely unventilated. No arrangements made, except by side windows, and these are but few in number, and kept almost constantly closed. From the general construction of the building this defect can hardly be remedied. Sufficiently warmed by coal stoves, lighted by gas. Prison lavatories and baths in basement, but insufficient, and apparently but little used. None for hospital. Hospital washing done outside and paid for from hospital fund. Water—supply ample, from city water-works. Sewerage—into main street sewer. Water-closets, latrines, and sinks—in prison yard, except one in square hospital ward; insufficient in number and size, and at present in very foul condition; are drained into main sewer, and could, with a little care, be readily kept clean and in good order. Excreta, removal of—an abundant supply of water is at hand to keep sewer constantly flushed and clear. Furniture and utensils—supply sufficient, but in very bad order. Prison bedding—sufficient, but foul, never aired; in hospital, better, but not at all in proper condition. Prison kitchen and kitchen utensils—this with the mess-room is in much better condition than any other part of the prison, is well furnished, and in tolerably good order and police. There are two hospital kitchens in the dwelling houses, both well furnished. The general kitchen is in miserable police. The low-diet kitchen is in very good order, and is presided over by two Sisters of Charity. Cooks, cooking, and serving—the cooks are detailed prisoners; the cooking appears to be well done. Quality and variety of diet—in prison, the ordinary ration; in hospital, no regular diet table; extra diet freely supplied from hospital fund. Knapsack rooms—a room over the square ward is provided for storing clothing, &c., of hospital patients; in very bad order. Dispensary—in pretty good order, under charge of hospital steward. Instruments, medicines, &c.—supply sufficient and in pretty good order. Compounding and dispensing—by prisoners, under supervision of acting hospital steward. Hospital stores and comforts—sufficient supply. Hospital records and accounts—loosely kept. Hospital fund—January 31, 1864, $561,74. Expenditures—articles of diet and washing; latter item charged $175 for January. Hospital clothing—supply said to be sufficient. Reports—loosely made. Laundresses and laundry—hospital washing done outside; prison washing done in basement; sufficient conveniences provided, but their use not apparently enforced. Repair, alterations, and

additions—whole building requires repair, especially north wing, which is in a dilapidated and apparently dangerous condition. Prevention of fire—no adequate precautions taken; plenty of hose, but too small to be effective. Medical attendance—chaplain, hitherto careless and inefficient, medical supervision being only directed to the hospital, and carelessly at that; apparently no attention paid to the sanitary condition of the prisoners in quarters. It is to be hoped that Doctor Breed will inaugurate a reform in this particular. Discipline and police—no discipline perceptible; spasmodic attempts at police by deluging the building with water. Nurses—men, detailed prisoners; women, two Sisters of Charity, chiefly attending to preparation of special diet. Post-mortem rooms and dead-house—in upper story of building over hospital; location inconvenient and improper. Interments—by contract, in city cemetery. Diseases prevalent—pneumonia, bronchitis, catarrh, erysipelas. Diseases zymotic—one case of varioloid occurred in the prison about ten days since, was at once removed. Diseases, mitigation and prevention of—from the utter want of attention to sanitary management, and the ill-directed efforts at policing in some places and its entire neglect in others, with the absence of all ventilation, it is only to be wondered at that the sick list and mortality is not much greater than it is.

Report for January—aggregate number of prisoners, ———; aggregate sick, 347; deaths, 30; percentage of deaths to aggregate strength, ———; to sick, 0.086. No smallpox. At present sick in hospital, 124.

Medical officers—Surg. B. B. Breed, U. S. Volunteers, in charge, has but just reported, and has not yet assumed charge; three acting assistant surgeons. Actg. Asst. Surg. G. H. Hood has hitherto been in charge, but is now relieved by Surgeon Breed. His administration of the medical affairs of this and the Myrtle Street Prison is but a commentary on the report which I have so often had occasion to make of the general unfitness of contract surgeons for a charge of such importance and responsibility. The condition of this prison was bad enough at my last inspection. It is many times worse now. As to the Myrtle Street Prison, its sanitary condition is a disgrace to its commandant, and still more so to the officer who has in charge its medical supervision. Prison fund, January 31, 1864, $4,529.20.

This prison appears to be policed in but one way. A hose is led into each room, which is then flooded with water, washing the rubbish and debris into the hall, while a large portion of water finds its way through the cracks and holes in the floor into the rooms beneath. The bedding and blankets are left in the bunks, and by the time the washing is over are about as wet as the floor. In one of the strong rooms which had just undergone this policing operation a red-hot stove was in full blast and the door and window tightly closed. The window at best could be opened but about six inches. A fetid steam pervaded the room, which sickened me in a few minutes, and this is but a type of the entire prison. The north wing of the prison, containing one of the principal prison quarters, the largest hospital ward, and in the basement, the kitchen and mess-room and laundry is in an apparently dangerous condition. The west wall has settled some eight inches in the center, bulges about the same distance near the foundation, and presents several wide cracks running from the foundation nearly to the top of the building. It has been strongly braced and propped on the outside. Still, it appears, at least to an unpracticed eye, in great danger of falling. I would suggest that a survey be at once held on the building to determine the question of its safety. The only prison yard, or place where the prisoners can exercise in the open air, is on the west side of the

north wing, and is about 70 by 20 feet in dimensions. It is surrounded by a 15-foot fence, and contains the sinks, the supply of fuel on hand, and a variety of rubbish. The two dwelling houses used for hospital purposes might be made to answer their purpose tolerably well, but are now in a miserable state of police and management, overcrowded and filthy. The prison office and prison quarters for commissioned officers occupy the south wing, and are, if possible, in worse condition than the other parts of the prison. Prisoners of war under sentence are confined in strong rooms on the second floor of the main prison building.

Myrtle Street Military Prison: I can say no word for this building except in unqualified condemnation. It is overcrowded and extremely filthy in every part, and its keeper, a civilian, is utterly unqualified for his post. Two instances will suffice. There are two female prisoners confined here, a white woman and a colored girl. I found them occupying a room on the second floor, about 12 by 5 by 8 feet in dimensions, with two windows, both of which were nailed down and the door locked. When the door was closed the only possible supply of air was through a partly broken pane of glass. The air of the room was rendered still more foul by a close stool, which bore evidence of not having been cleansed for some time. The white woman was in confinement, I believe, for stealing from a soldier. The colored girl for no crime, but detained as a witness. There are two strong rooms in this prison, each eight feet in all its dimensions, planked and ceiled with heavy oak plank. The inner room only opens into the outer, and in both, when the doors are closed, the only source of supply for fresh air is through about a dozen inch auger holes (not leading into the open air) in one corner of the ceiling and the same number near the floor. In the inner of these rooms I found six men and in the outer room two. Those in the inner room would thus have but eighty-five and one-third cubic feet of air per man and with no possibility of renewal. The poor fellows were pallid and suffering severely from want of air. I am happy to add that Lieutenant-Colonel Marsh, acting assistant provost-marshal-general, who accompanied me on my inspection, took the same view of the matter as myself, and ordered the immediate removal of these men to other quarters and that no others be placed in these rooms without orders from him.

Present number of prisoners—civilians, male, 48; female, 2; total, 50; Federal prisoners, 104; total, 154. The sick are removed to the Gratiot Street Prison hospital. Prison fund, January 31, $861.38.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 23, 1864.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to submit herewith, for the consideration of the Honorable Secretary of War, a communication received from Major-General Butler, commissioner for exchanges, in relation to the suspension of the order which has hitherto been in force at Point Lookout prohibiting the reception by prisoners of war of articles of clothing, except from near relatives, or of boxes of provisions under any circumstances.* This prohibitory order was based on the fact that the prisoners at all our prison stations were receiving large supplies of

* See February 20, p. 973.

clothing and provisions not only from relations, but from sympathizers and those who were disposed to do all in their power to promote the cause of the rebellion by providing for all the wants of the rebels in our hands, thereby giving essential aid and comfort to the enemy. The pressure upon commanders was attended with much embarrassment, and if any latitude was allowed them it was scarcely possible to prevent its being overstepped.

The reasons urged by General Butler for suspending the restrictions are readily appreciated, but there is a wide difference between what Mr. Ould asks for rebel prisoners and what he grants to Federal prisoners. He is willing to permit the friends of the prisoners held in Richmond or other rebel prisons to send from the loyal States via Fort Monroe boxes of clothing, provisions, &c., and to make the privilege reciprocal he can only ask that the friends of rebel prisoners held by us may be permitted to send from the rebel States the same class of articles and by the same route, but he asks that contributions may be received by rebel prisoners from the friends of the rebellion in the North, a privilege which is scarcely admissible.

The prisoners we hold are well fed and clothed, and there is no necessity for the interference of friends, but it is not so with Federal officers and soldiers in rebel prisons; they must suffer greatly for food and clothing, unless they are supplied by public or private contributions from the loyal States. To accomplish this very desirable end, I would respectfully suggest that General Butler be directed to propose to Mr. Ould a reciprocity arrangement, viz, that the prisoners held by either party shall be permitted to receive from public or private sources within their respective lines, to be forwarded via City Point and some point to be agreed upon in the West, such articles of food and clothing as may be necessary for the welfare of the prisoners. Should this proposition be rejected, it may then be considered whether for the sake of our suffering officers and soldiers in rebel prisons it will be advisable to consent to an agreement which gives the rebels so many advantages.

I do not concur with General Butler in recommending that rebel prisoners be permitted to buy such clothing or other articles, liquors excepted, as they may desire. Such a privilege would be attended with many inconveniences, besides enabling them to fit themselves out with a serviceable outfit, for which transportation would have to be furnished when they are sent South for exchange, and there would be no corresponding advantage on our side, as our prisoners would find few similar articles in the Richmond markets within their reach.

In this connection I beg leave to submit herewith two letters* from Colonel Richardson, commanding Camp Chase, suggesting the necessity of authorizing the sale of certain articles to prisoners of war, and also a list of articles which I had the honor some time since to recommend might be sold at each prison station by a suitable person to be selected by the commanding officer. The sale of these articles, I think, might be allowed without detriment to the service.

I beg leave, also, to submit a copy of my letter to General Butler† to which his is a reply. I also inclose a communication bearing upon this subject received from Brigadier-General Lockwood since the foregoing was written.

I am, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

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* See February 13 and 18, pp. 947, 966.

† See February 15, p. 954.

[First indorsement.]

WAR DEPARTMENT, *March 1, 1864.*

Respectfully referred to the commissioner for the exchange of prisoners for report if the authorities in the rebel States have permitted our prisoners to receive comforts in the shape of food or clothing from people residing in those States.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Second indorsement.]

MARCH 2, 1864.

It is believed that no Union man in the South can so far make himself known, in the presence of the rebel army, as to show even ordinary sympathy for Federal prisoners of war, much less furnish supplies.

Unless a rigid system of retaliation should be ordered, I am of opinion that a specified class of needful supplies might be authorized to be delivered to rebel prisoners by their friends, always, of course, under proper surveillance.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Third indorsement.]

The arrangement made by Major-General Butler is approved. The supplies which the prisoners are allowed to receive will not be limited to specified articles, but will be determined by questions of reciprocity; it being an object to give the rebel authorities no excuse for withholding supplies sent to our own prisoners.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General.

CAMP SUMTER, *Andersonville, Ga., February 23, 1864.*

Captain BROTHERTON:

When I was in Savannah I suggested to Major Locke, chief purchasing commissary for this State, that I would gladly feed any offal from the slaughter-houses in Albany that could not readily be kept on hand or forwarded to the army to the prisoners at this post, thereby saving that much provision to the Government, but never dreamed of paying $2 apiece for the luxury of beef tongues for them, or $1 for shanks, or 50 cents per pound for shank meat and pickled hearts. But as I am instructed first to make my purchases from the Commissary Department I will either submit your prices to the proper authorities, in your department, to know if such are the established prices of the commissary, or I will hold the shipment which I have received of you subject to your order. Please answer at once. I regret that any misunderstanding about prices should have taken place, but will assure you that Mr. Pickett entirely misunderstood his instructions in purchasing at any such prices. Of course I shall not want any more.

Very respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 24, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts and present condition of Capt. Frederick B. Doten, Company F, Fourteenth Connecticut Volunteers? He was captured on the 6th instant, in Sedgwick's advance over the Rapidan.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., February 24, 1864.

Hon. ROBERT OULD, *Commissioner for Exchange, Richmond, Va.:*

SIR: I beg leave to inclose a letter from the father of Captain Waller, who has been supposed by the Confederate authorities to be confined in the State prison, and for whom Captain Ives has been ordered to solitary confinement in irons as a hostage; you will see that the whole matter is a mistake, to which I beg to call your attention.

Please inform me whether the irons have been removed from Ives and his associate.

Will you, under the circumstances, exchange Ives for Waller?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

THE STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, February 24, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: On Saturday last it was discovered that the band of Morgan's men in the Ohio penitentiary had arranged for an attempt at escape by an assault with weapons upon the guard. They had stolen, one by one, a lot of the table knives, and, by the use of files procured at the time of escape of John Morgan and the stone floors of their cells, had ground them to sharp-pointed and dangerous weapons. A thorough, and to them unexpected, search was made and nine of these knives and two files taken from them, filling the number we were informed they possessed. I have cleared the west wing of convicts and placed these prisoners there. They are now entirely isolated from convicts and all but their proper guards. Their meals will be served to them in this wing, and all eating implements counted out and in to them daily. The leaders of this band are desperate men, capable of any crime. The disclosure of this plot was made by one of the band, whose life would be in danger if his name or the fact of such a communication was known. His conduct has been very good thus far. If it holds good in the future I will take the liberty of presenting his case to you for consideration.

Very respectfully,

JNO. BROUGH.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 24, 1864.

Col. W. WEER, *Commanding Military Prison, Alton, Ill.:*

COLONEL: By direction of the Commissary-General of Prisoners, I have the honor to inform you that the effects left by deceased prisoners will be taken possession of, the money and valuables to be reported to this office (see note under head of remarks on blank for semi-monthly report of deceased prisoners), and the clothing, if of any value, to be given to other prisoners who may require it. If the legal representatives of the deceased, being loyal, claim the money or other valuables, the claim, with the proof, will be forwarded to this office. All moneys left by or accruing from the sale of valuables or other effects of deceased prisoners will be placed in the camp or prison fund until called for.

Very respectfully, your obedient servant,

W. T. HARTZ,
Captain and Assistant Adjutant-General.

(Same to all commanders of military prisons and hospitals for treatment of prisoners of war.)

ROCK ISLAND, ILL., *February 24, 1864.*

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report my arrival at this place to-night. Your telegram of this date is received, and report of inspection shall be forwarded as soon as possible. I understand from the surgeon in charge, whom I have already seen, that, although the smallpox is increasing in actual number of cases, it is not at all increasing in virulence, a large proportion of the present cases being hardly more than a severe form of varioloid. I am informed that work on the hospitals goes on but slowly, the smallpox barracks being not yet completed. I shall remain here, unless otherwise ordered, until these are completed and every case of the disease removed from the prison proper, leaving no reason for any further spread. This will probably be about March 1 or 2. From here I propose to go to Nashville, Tenn., where the smallpox is also prevailing; thence to Memphis, and then start on my return round.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

HEADQUARTERS FORT WARREN,
Boston Harbor, February 24, 1864.

Col. WILLIAM HOFFMAN,
Commissary General of Prisoners, Washington, D. C.:

SIR: I have the honor to inform you of the arrival at this post of Capt. Frank Battle, a prisoner of war, who arrived here yesterday in charge of a guard. He has been placed in close confinement and irons as per your instructions under date February 15, 1864.

I am, sir, very respectfully, your obedient servant,

STEPHEN CABOT,
Major First Batt. Heavy Arty. Massachusetts Vols., Comdg. Post.

OFFICE SPECIAL COMMISSIONER,
Camp Chase, Columbus, Ohio, February 25, 1864.

His Excellency ABRAHAM LINCOLN,
President of the United States:

MY DEAR FRIEND: Don't even imagine from receiving two letters from me of the same date that I have set my auger for "boring through." I will not take another chip out of you for many days hereafter. In my capacity as special commissioner, in which I have acted for many months (how faithfully Judge-Advocate L. C. Turner can tell), I receive a great many applications from conscript deserters and prisoners of war who pray for release. As they are strictly outside of the letter of my instructions, and hence of my jurisdiction, I can but hear and forward their complaints. As respects the former class they are unintentionally subjected to a grievous wrong in being imprisoned. There are hundreds at this and other camps who have encountered inconceivable perils in avoiding and deserting the rebel service, and who have forsaken fathers, mothers, wives, and children rather than be enemies of our flag and Union, and yet, after having sought our protection, are cast into and kept in prison. Such men ought to be crowned rather than degraded for their heroism. If there is no testimony rebutting their declarations they are entitled to the ordinary presumptions of innocence, especially with the fact of their having deserted being notorious and admitted. They are at least entitled to an immediate examination. I have again and again submitted this matter to the consideration of Major Turner. As to the captured prisoners of war this is my suggestion, that their applications for the benefit of this amnesty proclamation ought to be subjected to a rigid examination, and where the facilities of mail communication permit they ought to be required to produce the testimony of loyal men that they are persons in good repute for veracity and integrity. In my experience with political prisoners I have not found it uncertain or difficult to test and determine the genuineness or falseness by a searching examination of their pretensions and declarations. I would rather base my judgment upon the manner, appearance, mode, and circumstances of answers to interrogatories than upon any imaginable quantity of certificates. I have examined and reported upon over 1,200 cases within the past fifteen months, and I have not, so far as I can learn, been mistaken in my conclusions in a single case where I formed my judgment upon an examination of the prisoner under oath. This point I cannot elaborate. Some method ought to be adopted for giving applicants the benefit of the amnesty or allegiance oath. As the privilege is now granted it is necessarily the fact that those who can command influential friends by affection or otherwise have their cases presented and obtain relief, while the humbler and the more meritorious, who have been misled by the influential and designing, remain in prison uncared for and unprotected. It is my opinion that this matter merits prompt attention.

Very kind regards to Mrs. L.

Yours, truly,

SAML. GALLOWAY.

[First indorsement.]

MARCH 3, 1864.

Respectfully referred by the President to the Honorable Secretary of War.

JNO. G. NICOLAY,
Private Secretary.

[Second indorsement.]

MARCH 7, 1864.

It is presumed that all of the cases referred to in this letter will come properly before a board.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Third indorsement.]

WAR DEPARTMENT, *March 8, 1864.*

Respectfully referred to the Commissary-General of Prisoners, who will return with this letter all the papers relative to prisoners in whose cases recommendations have been made by Commissioner Galloway.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General

[Fourth indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, March 9, 1864.

Respectfully returned to the Secretary of War, with the accompanying reports of Commissioner Galloway.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

FORT MONROE, VA., *February 25, 1864.*

Brigadier-General CANBY, *Assistant Adjutant-General:*

Your communication in relation to 200 rebel officers is received, and immediate measures will be taken to put it into execution.

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
Alexandria, February 25, 1864.

Col. E. L. MOLINEUX,
Commissioner of Exchange in behalf of
Maj. Gen. W. B. Franklin, U. S. Army:

COLONEL: I am instructed by Maj. Gen. R. Taylor, C. S. Army, commanding District of Western Louisiana, to call your attention to the following matters, with the request that they may be brought to the notice of Major-General Franklin, commanding U. S. forces in the field in Western Louisiana, and with the hope that steps may be taken to release the parties referred to from arrest and confinement.

Major-General Taylor is informed by the lieutenant-colonel commanding the Twenty-sixth Louisiana Regiment of Infantry that about the last of October, 1863, the following soldiers of that regiment, who had been regularly paroled at the capture of Vicksburg by the U. S. forces, and were at their homes in the parish of Lafayette of this State, were arrested by a portion of the command of Major-General Franklin, sent to New Orleans and lodged in prison, where they are now confined. The names of these men are Sergt. A. D. Landry, Company E; Corpl. Alfred Peck, Company E; Private Jules Duhon, Company E; A. Guidry, Company A; V. Comeau, Company A; Marshal Faber, Company A, all of the Twenty-sixth Louisiana Regiment of Infantry.

These men are represented as having been quietly at their homes, awaiting their exchange, and never having violated their paroles. If such are the facts, I have to request that they may be released from confinement and returned to their homes.

I am also instructed to communicate with you relative to the arrest and detention of Mr. J. G. Pratt, a citizen of Saint Landry Parish, and Judge A. Voorhies, of Saint Martin Parish.

On the 2d of January, 1864, Maj. Gen. W. B. Franklin transmitted to Maj. Gen. R. Taylor a copy of a letter from Maj. Gen. N. P. Banks, commanding Department of the Gulf, dated New Orleans, December 19, 1863, on the subject of the arrest of civilians, non-combatants, in which letter Major-General Banks deprecates the arrest of those who are not parties directly or indirectly to the contest in which we are engaged, "who should be relieved as far as possible from the suffering incident thereto." In that letter Major-General Banks further states: "I do not approve the arrest of persons without other cause than that they are found within the lines of one army or the other;" also, "I shall gladly co-operate with General Taylor as far as possible in relieving from the horrors of war those who are not in any just sense to be considered as participants therein." In the same letter Major-General Banks, referring to the arrest of Mr. John G. Pratt, justifies it upon the ground that "he is recognized by the officers of the Government of the United States as 'General Pratt,' engaged in the organization of military forces for the Confederate Army, &c.," and states, "if he is still in possession of his authority and in the performance of this duty he is rightly held as a prisoner of war," and further, "I have received no evidence of any change in his position in that respect; until such evidence is offered there can be no just claim for his release."

On the receipt of the copy of Major-General Banks' letter of 19th of December, above referred to, Major-General Taylor at once released all citizens of the United States who had been arrested by him who were non-combatants, and I addressed to Col. C. C. Dwight, commissioner on behalf of Major-General Banks, on the 4th of January, a communication, of which I inclose a copy, in which, it was believed, the evidence as to the condition of Judge Voorhies and Mr. Pratt would be satisfactory, and show that neither of these gentlemen could "in any just sense be considered as participants in the contest in which we are engaged."

To this communication no answer has been received, and I therefore beg to call your attention and that of Major-General Franklin to the matter, in the hope that as Major General Banks' letter was referred to Major-General Taylor by General Franklin, by whose forces the arrests were made, and acting upon the assurances therein contained, the civilians in his hands were all released by General Taylor, you will be pleased to effect the release of the gentlemen mentioned, or at least inform me of the reasons which induce their continued detention.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,

Major and Commissioner of Exchange.

WASHINGTON, D. C., *February 25, 1864.*

Maj. Gen. B. F. BUTLER,

Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: I have the honor to inform you that instructions have been given to the commanding general, harbor of New York, to forward

to you General W. H. F. Lee and Capt. R. H. Tyler, of the rebel army, prisoners of war at Fort Lafayette.

I am directed by the Secretary of War to say that in making the exchange of these two officers, and a third one to be selected by yourself for General Neal Dow, Captain Sawyer, and Captain Flinn, of the Federal Army, now prisoners of war in Richmond, you will please bear in mind that it is authorized only with the understanding that both Captains Flinn and Sawyer are to be exchanged; without this, the exchange will not be made.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *February 25, 1864.*

Brig. Gen. G. J. STANNARD,

Commanding U. S. Forces, City and Harbor of New York:

GENERAL: By direction of the Secretary of War I have the honor to request that you will send under a suitable guard General W. H. F. Lee and Capt. R. H. Tyler, of the rebel army, prisoners of war at Fort Lafayette, to Fort Monroe, Va., to be delivered to Major-General Butler, commissioner for exchange.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tenn., February 26, 1864.

General J. E. JOHNSTON,

Commanding C. S. Forces, Northern Georgia:

GENERAL: I have learned—do not know as to the reliability of my information—that J. T. Stancel, Jesse Grear, and Robert Waits, soldiers belonging to the Third West Tennessee Cavalry, U. S. service, are now confined at Atlanta, Ga., charged with belonging to the C. S. Army.

I would state that these men have been for a long time in the Federal Army, and are entitled to the same treatment as other prisoners of war. Of course I would claim no right to retaliate for the punishment of deserters, who had actually been mustered into the Confederate Army and afterward deserted and joined ours; but I cannot agree that any wholesale conscription act can cover as deserters persons who escape into our lines and join our service to avoid such conscription. Further, I would claim that persons who have been personally notified to report at a certain place by a certain time for muster and afterward escaped to our service before obeying such summons would be entitled to the protection of Government against trial, or rather, I should say, punishment as deserters if afterward captured.

I believe, general, an examination into the case herein referred to will show that they have never been sworn into the Confederate Army; that their services to the Government entitle them to the protection of that Government.

Believing fully that you are disposed to be governed by the laws of war, justice, and humanity, I subscribe myself,

Very respectfully, your obedient servant,

U. S. GRANT,

Major-General, U. S. Army.

HEADQUARTERS U. S. MILITARY PRISON,
Camp Morton, Indianapolis, Ind., February 26, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your telegram of the 25th instant, directing the establishment of a tent hospital outside the prison inclosure for the accommodation of smallpox cases occurring in this camp. I would respectfully state that the three cases mentioned in my letter of the 16th instant are all that have as yet occurred. In case the disease should reappear your instructions will be obeyed.

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

GRATIOT STREET MILITARY PRISON HOSPITAL,
Saint Louis, Mo., February 26, 1864.

Lieutenant-Colonel MARSH,
Acting Provost-Marshal-General, Dept. of the Missouri:

COLONEL: In response to your request for a report on the sanitary condition of this prison I have the honor to state:

Buildings.—The buildings are but illy adapted to the purpose. They are old, with insufficient light and ventilation, poor sewerage, and so limited an area of yard room as to make it impossible for the prisoners to take the proper amount of exercise. The large square room, in which an average number of 300 men is confined, contains only 70,380 cubic feet of air, allowing but 230 feet to each man. The octagon room contains but 45,488 feet, giving 180 feet to each prisoner. The water supply is insufficient for bathing purposes, and wholly so to properly flood the sewers. The privies are poorly arranged and extremely filthy. The whole building, moreover, is insecure, as the floors have settled and the walls sprung to an alarming extent.

Myrtle Street Prison.—In some respects the Myrtle Street Prison is even worse. No attempt has been made here to secure proper ventilation. The amount of air space averages 187 feet to each man (in one room but 90), and that vitiated by close stoves without water. All light is excluded from the strong rooms, and air is admitted through a few auger holes in the floor and roof. These do not communicate with the external air, but with the spaces between the floors. The means of cooking and bathing and the water supply are inadequate.

Police.—Both of these prisons are excessively filthy, partly due to their overcrowded condition, but principally to a lack of proper police and the enforcement of personal cleanliness. I would most earnestly recommend that these buildings be abandoned and barrack prisons with ridge ventilation be erected, where sufficient light and air could be secured, and space enough inclosed to afford opportunity for exercise. Ventilation.—If the necessities of the case compel the continued occupation of these buildings the strong rooms on Myrtle street should be abandoned, and in both prisons immediate steps be taken to secure proper ventilation. Large air shafts should be run through the buildings, with openings at the top and bottom of each room. Diet.—The diet list is insufficient. No vegetables have been issued since the middle of December, and the result is a decided tendency to scorbutic diseases. The diet should be varied, and potatoes, onions, and pickled cabbage issued as often as three times a week. Eating in rooms.—The

practice of cooking and eating in the rooms should be discontinued. It produces filth and confusion. In one room at Myrtle street I found two men roasting pork over the stove, the fumes filling the room and the fat soaking the floor. Tables should be provided; the meals cooked by regular details, served at regular hours, and no article of food or drink allowed in the rooms. Personal cleanliness.—This should be rigidly enforced. Every man on entering the prison should have a bath, his hair cut close, and be vaccinated, and afterward be compelled to keep his body clean. More ample facilities for washing are needed. Sleeping bunks.—The present sleeping bunks are worn out, dirty, and filled with vermin. Permanent bunks should be erected (of planed stock, that they may be washed) and placed at least three feet from the walls, and the lower berth eighteen inches from the floor. Each man should rise at a certain hour, take his bedding out to air, and then fold his blankets neatly and pile them at the head of his bunk. Suitable benches to sit on should be provided and all use of the bunks in the daytime strictly forbidden. Racks for clothing.—Racks should be built, so that each man may have a place to keep his effects, which should never be allowed to be kept about his bed. Police.—The floors should be scrubbed by hand (not flooded with water as now) every day, and disinfectants freely used. The walls and ceilings should be whitewashed at least once a month. Water.—The privies should be arranged and a fire-plug placed so that the vaults and sewers can be flooded every day.

The above suggestions embody the result of my immediate observations. Further report will be made when I shall have examined more minutely the prison routine. I desire to add that the commander and officers of the prison concur in these suggestions, and are most anxious to aid in securing some improvement in the sanitary condition of the prison.

Very respectfully, your obedient servant,

B. B. BREED,
Surgeon, U. S. Volunteers,
In Charge of Gratiot Street Military Prison Hospital.

SPECIAL ORDERS, No. 47. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 26, 1864.

* * * * * * *

XXXV. Col. A. W. PERSONS, Provisional Army, C. S., is assigned to duty as commandant of the post at Andersonville, Ga.

He will have command of the prison guard and charge of the Federal prisoners at Camp Sumter, near that post.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Petersburg, Va., February 26, 1864.

General S. COOPER, *Adjutant and Inspector General:*

GENERAL: I have the honor to inclose copies of letters from Generals Peck and Palmer, and my answers; likewise my letter to you of

the 17th instant, forwarding same.* I am sorry to say the courier, Private J. L. Watkins, Eighteenth Virginia, deserted to the enemy. He did not, however, take any valuable information.

I send by Captain Bright, my aide-de-camp, the money to Lieutenant Kirby, as it will not do for this officer to lose what was intrusted to my charge, I feeling myself in honor bound. The clothing I have recovered a portion of and send on.

I also inclose, general, copy of letter to-day received from General Peck. I have not answered it yet. I think the most direct way will be by next flag-of-truce boat. You will perceive that these men were hung by sentence of general court-martial regularly appointed. If these colonels, lieutenant-colonels, and captains of whom he speaks are deserters from the Federal Army, he can execute them; otherwise it will be murder. I hope the whole of the prisoners captured in this department will be held at my disposal.

The officers General Peck speaks of were not taken here. My letter of the 15th, inclosing correspondence between myself and General Peck, has not been answered. I respectfully ask a reply from the Secretary.

I am, general, very respectfully, your obedient servant,

G. E. PICKETT,
Major-General, Commanding.

[FEBRUARY 27, 1864.—For Stanton to Vice-President of the United States, transmitting documents relating to the arrest and imprisonment, by the military authorities in Missouri, of soldiers belonging to the Ninth Minnesota Regiment, see Senate Executive Document No. 24, Thirty-eighth Congress, first session.]

[FEBRUARY 27, 1864.—For Peck to Pickett, relative to the execution of certain prisoners belonging to the Second North Carolina Regiment (Union), see Series I, Vol. XXXIII, p. 869.]

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Petersburg, Va., February 27, 1864.

Maj. Gen. JOHN J. PECK, U. S. Army:

GENERAL: Your communication of the 20th instant is received.† Your letter of the 13th referred to was received and replied to by flag under date of 17th.

You have doubtless perused my reply ere this, and are aware of the fact that the men "duly enlisted into the Second North Carolina Regiment" spoken of by you, had been duly enlisted in the Confederate service previously, and had deserted from same; that they were taken in arms fighting against their colors, were tried by a duly organized court, sentenced, and executed.

If the officers of the C. S. Army, whom you speak of "as hostages for their safety," can be proven to be deserters from the Federal Army, you will certainly be fully justifiable in treating them similarly; otherwise, should you "retaliate" you will simply be guilty of murder.

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* See Palmer to Pickett, February 9, and Pickett's reply, February 17, pp. 936, 964, *ante;* Peck to Pickett, February 13, and Pickett's reply, February 17; and Peck to Pickett, February 20, Series I, Vol. XXXIII, pp. 867, 868.

† See Series I, Vol. XXXIII, p. 868.

The subject does not, however, admit of discussion, and I refer you to the concluding paragraph of my letter of the 16th instant.*

I am, general, very respectfully, your obedient servant,

G. E. PICKETT,
Major-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 27, 1864.

Maj. JOHN E. MULFORD, *Assistant Agent of Exchange:*

SIR: In reply to General Butler's letter of instructions to you of the 23d instant† I beg leave to assure you that it has always been the desire and purpose of the Confederate authorities to conform in practice to every provision of the cartel, and especially to that important part of it which requires the speedy delivery of all prisoners. I can confidently appeal to the action of this Government to sustain this declaration. Your own long connection with matters pertaining to the exchange of prisoners enables you to attest the truth of this statement.

The only difficulty now in the way of the resumption of the cartel is the refusal of the Federal Government to deliver the excess of prisoners on parole. If the U. S. authorities are ready to abandon this position and deliver all the prisoners now in their custody the Confederate Government will unhesitatingly meet the movement with corresponding action. Special or partial exchanges are liable to so many objections that in future they will be steadily refused.

If a general exchange, on the principles of the cartel, is resumed there may perhaps be some delay in the delivery of a portion of the Federal prisoners, owing to the fact that some of them have been removed farther to the south. All of them, however, will be returned to you as soon as the conveniences of transportation will allow. Of course we would expect and demand that the same rule should be observed by the Federal authorities, so as to insure the delivery of all prisoners in their hands with the least possible delay. Such we consider "a just and true interpretation of the provisions of the cartel." May I not therefore confidently expect that our prisoners will be promptly delivered at City Point?

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 27, 1864.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

COLONEL: I have the honor to inform you that Major-General Butler, commissioner for exchange, reports the exchange of Col. W. H. Powell, Second West Virginia Cavalry, now on parole in this city, for Col. R. H. Lee, of the rebel army. Colonel Powell may therefore be ordered to join his regiment for duty.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* See Series I, Vol. XXXIII, p. 867. † Not found.

CAMP SUMTER, *Andersonville, Ga., February 27, 1864.*

[Maj. P. W. WHITE:]

MAJOR: I am just informed by the authorities in Richmond that the responsibility of feeding the prisoners at this post has been thrown upon the Commissary Department, which will relieve you from furnishing me with the horses to drive cattle from Florida, of which we were talking. The ten wagons and harness I am very much in need of and will be glad if you will send with them six saddles and bridles. Please let me have these things at once.

The surgeon in charge of this post has made requisition for an ambulance, harness, and horses, also a light wagon, harness, and horses or mules, to bring up hospital stores in. Please let me hear from you at once whether you can furnish him.

Very respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 27, 1864.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have just returned from City Point and bring the accompanying communication.* Major Mulford assures me upon his own personal knowledge that General Butler is in favor of a general exchange and release of prisoners, and further, that he is entirely satisfied of his ability to consummate the same. He distinctly declares that he is authorized to say so. Major Mulford never yet has deceived me and I am very much inclined to believe what he says. Butler has evidently set his heart, for some reason or other, on securing the release of the Yankee prisoners. He would hate a failure in that direction after recognition more than a refusal to recognize him. In his estimation the former would damage him more than the latter. If Butler's recognition is an impossibility in the present condition of affairs I think that upon an interview with him as commanding general at Fort Monroe I could get a distinct written agreement from him for a general exchange. The difficulty occurring to my mind about that arrangement is that he might require some pledge as to slaves. If he is now recognized as an agent I am quite sure I can avoid that difficulty. The flag-of-truce boat remains at City Point to await your decision. The subject is environed with so many difficulties that I hesitate to pronounce any judgment in the premises.

Respectfully, your obedient servant,

RO. OULD,
Agent of Exchange.

HDQRS. DEPARTMENT OF EAST TENNESSEE,
February 28, 1864.

Maj. Gen. J. M. SCHOFIELD,
Commanding Department of the Ohio:

I have the honor to propose to you an exchange of prisoners belonging to our several commands. For this purpose I suggest the appointment of commissioners to arrange the terms of cartel. I have also the

* Not found.

honor to request that the families who were recently to have come out from Knoxville be now allowed to do so.

I have the honor to be, general, your most obedient servant,

J. LONGSTREET,
Lieutenant-General, Commanding.

HEADQUARTERS TRANS-MISSISSIPPI DEPARTMENT,
Shreveport, La., February 28, 1864.

Maj. GEORGE WILLIAMSON,
Assistant Adjutant-General, Department Headquarters:

MAJOR: I am directed by Lieutenant-General Smith to say you will proceed under a flag of truce to the Federal lines nearest the headquarters of Major-General Steele, U. S. Army, for the purpose of arranging for an exchange of prisoners with a commissioner to be appointed by him.

The principal object which you will keep in view in your negotiations is, that arrangements shall be agreed upon by which the prisoners taken by the Federal and Confederate authorities, respectively, in this department may be restored to duty as soon as possible. To avoid embarrassments and possible disagreements, a system of actual exchange, according to the schedule agreed upon at Haxall's Landing, on James River, July 22, 1862, should be adopted. In order to facilitate the exchange an agent will be appointed for the District of Arkansas to receive and deliver prisoners exchanged, and should an agreement be entered into between yourself and the commissioner appointed by General Steele you will make known to him the name of such agent.

I am, major, very respectfully, your obedient servant,

S. S. ANDERSON,
Assistant Adjutant-General.

FORT MONROE, VA., *February 29, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Flag-of-truce boat is in. We are making progress. As soon as they can be prepared I will send up 200 officers. I should rather not be obliged to send up 200 officers just yet. Can get an exchange of men. Please telegraph me if I can delay the execution of order.

BENJ. F. BUTLER,
Major-General.

WAR DEPARTMENT, *Washington City, February 29, 1864.*

Major-General BUTLER, *Fort Monroe:*

You may exercise your own discretion as to the time and number of officers to be sent for exchange. Representations made by escaped officers led this Department to the conclusion that if 100 or 200 officers were sent to City Point by you and offered in exchange for the same number of ours the rebels would not dare to refuse; hence the order was given you. But if you deem it more advantageous to the service to delay its execution you may do so.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, *February 29, 1864.*

Major-General BUTLER, *Commissioner for Exchange:*

Have you information that Captains Ives and Reed have been released from their irons? If not, please ascertain, if in your power.

W. HOFFMAN,
Commissary-General of Prisoners.

Answer.

I understand that Captains Ives and Reed are not in irons, but have made the necessary inquiries by the flag-of-truce boat, which is expected in hourly.

BENJ. F. BUTLER,
Major-General and Commissioner of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 29, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: By direction of the Secretary of War, Capt. C. C. Morgan, aide-de-camp, a rebel prisoner in the penitentiary at Columbus, Ohio, has been ordered to be forwarded to you at Fort Monroe, and I am instructed by the Secretary of War to say that he will be delivered at City Point and exchanged for Capt. A. H. Stanton, Sixteenth Infantry, now on parole in New York.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 29, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: I have the honor to inform you that Capt. Frank Battle, of the rebel army, has been ordered to Fort Warren and placed in irons, to be held in retaliation for Capt. Shadrick Harris, Third East Tennessee Cavalry, who is now reported to be in irons in Columbia, S. C. I would respectfully suggest that the authorities at Richmond be notified of the steps taken in this case, and that when Captain Harris is held and treated as other prisoners of war the same treatment will be extended to Captain Battle.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 29, 1864.

Col. WILLIAM WEER,
Commanding Military Prison, Alton, Ill.:

COLONEL: I have just received a report from Surg. A. M. Clark, acting medical inspector of prisoners, of his inspection of the Alton military prison, from which I learn that it is not in a very satisfactory condition. Though many things are in a commendable shape, there are

others where much reformation is required. I know that it is impossible for you to give your personal daily attention to the internal management of the prison, but with proper assistance I trust you will be able to give it enough of your supervision to insure as near an approach to a proper state of things as may reasonably be expected. You require as an inspector of the prison an active and reliable officer, whose duty it should be to inspect the prison daily in every part and to give all necessary orders for policing, and to make report to you in writing every Sunday morning of the condition of the prisoners and prison in every particular—personal cleanliness, clothing, bedding, quarters, messing, sinks, yards, prison rooms for special purposes, and the hospital and all connected with it. Let nothing pass unnoticed; make your comments on these reports and forward them to this office. Select from your command a suitable officer for this service and give as close a supervision yourself as your other duties will permit. Let the foregoing instructions be put in immediate force. I must rely entirely on your energy and judgment for the proper administration of the affairs of the prison, for however good your assistants may be, unless they are properly directed and controlled no satisfactory results can be anticipated.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., February 29, 1864.

Lieut. Col. C. W. MARSH,
Actg. Pro. Mar. Gen., Dept. of the Missouri, Saint Louis, Mo.:

COLONEL: I have just received a report from Surg. A. M. Clark, acting medical inspector of prisons, of his inspection of the Gratiot Street and Myrtle Street Prisons, in Saint Louis, from which I learn that they are in a very unsatisfactory condition. It is not worth while to go into details, for in almost every particular there is nothing to commend.

I know that it is impossible for you to give your personal daily attention to the internal management of the prisons, but with proper assistance I trust that you will be able to give it enough of your supervision to insure as near an approach to a proper state of things as may reasonably be expected. You require as an inspector of the prisons an active and reliable officer, whose duty it should be to inspect the prisons in every part daily, and to give all necessary orders for policing, and to make report to you in writing every Sunday morning of the condition of the prisoners and prisons in every particular—personal cleanliness, clothing, bedding, quarters, kitchens, messing, sinks, yards, prison rooms for special purposes, and the hospital and all connected with it. Let nothing pass unnoticed; make your comments on these reports and forward them to this office.

For a suitable officer for this service I request that you will apply to Major-General Rosecrans, commanding the Department of the Missouri. If he has none available, report to me, that I may apply elsewhere.

It is reported that one of the walls of the Gratiot Street Prison is in a falling condition. Have a special report made on this subject, with suggestions as to the best mode of remedying the evil.

Let the foregoing instructions be put in immediate force. I must rely entirely on your energy and judgment for the proper administration of the affairs of the prisons, for however good your assistants may be, unless they are properly directed and controlled no satisfactory results can be anticipated.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

[FEBRUARY 29, 1864.—For report of prisoners of war and deserters received and disposed of, oaths administered to citizens, &c., in the Department of the Cumberland during February, 1864, see Series I, Vol. XXXII, Part I, p. 13.]

HEADQUARTERS CAMP SUMTER,
Andersonville, February 29, 1864.

[General J. H. WINDER:]

GENERAL: I shall not need the second baker at this post, as I have secured the services of one, and shall not need a butcher either, as we are to be far from the commissary department, nor will I need any commissary officer here, as all these arrangements have already been made through A. M. Allen, major and commissary of subsistence. I am seriously in need of a cook and more in need of the baking pans for oven, and do not know what I shall do without them. Please have them, the nails and padlocks for prison doors sent at once, and also window glass and platform scales. Our stockade is nearly completed and everything is now working well.

Respectfully, your obedient servant,

R. B. WINDER,

Captain and Assistant Quartermaster.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 1, 1864.

Hon. ROBERT OULD, *Commissioner for Exchange:*

SIR: S. P. Bailey, William Smith, Benjamin Bridges, James K. Skenker, A. J. Riddler, John W. Pugh, Granville J. Kelley, James A. Hunter, E. J. Smith, A. Nichols, Edward A. Freeman, Henry Shackleford, James Harrison, and George N. Davis, now paroled for exchange, in Richmond, may remain, although the time of their parole has expired, and you may furnish such equivalents for them as you may deem proper.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

HEADQUARTERS FORT DELAWARE, *March 1, 1864.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that the smallpox has entirely disappeared from the island, and that the barracks, having been

repaired and renovated, are now prepared for the reception of 4,000 more prisoners in addition to those already ordered here.

Very respectfully, your obedient servant,

A. SCHOEPF,
Brigadier-General, Commanding Post.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 1, 1864.

Hon. JOHN BROUGH, *Governor of Ohio, Columbus, Ohio:*

SIR: I have the honor to acknowledge the receipt of Your Excellency's letter of the 24th ultimo, reporting the discovery of the projected attempt of the rebel prisoners in the Ohio penitentiary to escape. Many of these men are ready to take advantage of any chance to escape, however desperate, and I would respectfully suggest the propriety of separating the leading spirits from the others as far as practicable. The prisoner who disclosed the plot is entitled to consideration, and when a proper occasion arrives he should be rewarded.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

U. S. MILITARY PRISON,
Rock Island, Ill., March 1, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a renewed inspection of this depot, a report of which I forward herewith. This report has been delayed by a temporary illness which disabled me for three days. I shall leave here probably on the 3d instant for Chicago, for the purpose of ascertaining what steps have been taken to obviate the inconvenience caused by the burning (February 29) of one of the hospital buildings. From thence I shall go to Nashville, Tenn., via Saint Louis, Mo., and Memphis, Tenn. In Saint Louis I shall look for any communication from your office at office of assistant provost-marshal-general.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

Report of inspection of U. S. military prison, Rock Island, Ill., February 25 and 26, and March 1, 1864.

Total number of prisoners	
Total sick in hospital March 1 (exclusive of smallpox)	354
Total deaths, February 29 (exclusive of smallpox)	4
Smallpox cases, March 1	420
Smallpox deaths, February 29	5
Smallpox cases (garrison)	10

Abstract of sick report for February, 1864:

Mean strength (prisoners)	7,260
Aggregate sick (including smallpox)	1,555
Aggregate deaths (including smallpox)	331
Percentage of deaths to aggregate strength	.0456
Percentage of deaths to aggregate sick	.2129

Average daily sick in hospital (including smallpox)	682
Average daily sick in quarters	304
Smallpox cases	637
Smallpox deaths	170
Smallpox deaths, percentage to cases	.2669
Smallpox cases (garrison)	10
Smallpox deaths (garrison)	0

That the smallpox is decreasing in virulence is shown by the following:

February 1 to 10 (weather cold), cases	200
Deaths	55
Percentage of deaths	.2750
February 11 to 20 (exceedingly cold), cases	224
Deaths	61
Percentage of deaths	.2759
February 21 to 29 (milder), cases	213
Deaths	54
Percentage of deaths	.2536

The pest-hospital consists of six barracks, each 129 by 22 by 12 feet in dimensions and calculated for 54 beds, giving a total of 324 beds, which may in an emergency be increased for a short time to 420, the ventilation of the wards being very perfect. To guard, however, against the necessity of overcrowding the wards I have requested Captain Reynolds, depot quartermaster, to procure twenty hospital tents, to be used if necessary. Every man now suffering from the disease has been removed from the prison inclosure, and every possible precaution is being taken to prevent the spread of the contagion. It is only to-day, however, that I have succeeded in getting every case of smallpox out of the prison yard, the pest-hospital being just completed. Ten prison barracks are still occupied for hospital purposes. They are in tolerably good order and the sick are doing well. The prison hospital is well under way, and I am promised that in six weeks, or about the time of my return visit, it shall be ready for occupation. It should be ready before that time, and would be were it not for the difficulty of obtaining lumber. Within the prison inclosure the necessity of a sufficient system of drainage and privies is even more evident than at my former visit. By my direction portable sink-boxes are being prepared for use until a better system is adopted. The old excavated sinks are already a nuisance. Accompanying this I send a copy of Captain Reynolds' letter to the Quartermaster-General relative to the proposed plan of water supply and sewerage. For several days during the past week the entire camp has had to depend on the artesian well pump for its supply of water, the supply pipe from the river having given out. The barracks are in admirable order and are being thoroughly whitewashed. The streets are being slowly policed. In fact, everything is being done slowly. I find it almost impossible to infuse any degree of energy of action into any of the officers with whom I have to deal. Colonel Johnson appears to possess a sufficiency himself, but does not impart it to his subordinates. In this connection, colonel, if it does not exceed my duty, allow me most respectfully to suggest that Colonel Kincaid, Thirty-seventh Iowa Volunteers, be under no circumstances placed in command of this post. He is altogether too slow and easy, and his officers and men appear to have no idea of the value of discipline.

In view of the possible extension of the prison barracks, I have, in company with the commandant, selected a new burying-ground on the south side of the island and some distance east of the pest-hospital. The present grave-yard is very injudiciously located within about 400 yards of the prison inclosure, due south, and occupying ground which

must be included in any considerable extension of the prison, or at all events coming too near it for prudence in a sanitary point of view. I think it will now be but a short time before the smallpox will be brought completely under control. Until this is the case, however, it would be imprudent to send more prisoners here. I have suggested to the commandant the propriety of dividing off a number of barracks from the prison at large, in which, when more prisoners do arrive, they may be kept in quarantine till it be ascertained that no contagion exists among them.

Respectfully submitted.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

ADDENDUM.—Since writing the above it has been reported to me that on the ground selected for the new grave-yard the soil has been found to be of insufficient depth for the purpose. Accordingly a fresh selection has been made about 1,000 yards east of the present ground, and at about the same distance from the south side of the island, which will answer all the requirements.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Sub-inclosure.]

ASSISTANT QUARTERMASTER'S OFFICE,
Rock Island, Ill., February 25, 1864.

Brig. Gen. M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.:

GENERAL: The water-works and sinks at Rock Island prison barracks have been found by experience to be inadequate. Heretofore no provision has been made for sewerage or systematic drainage. The prison has capacity for 12,000 men. The average number in prison from the date of occupancy until now has been between 3,000 and 5,000. There are now 8,000 or 9,000 in prison. Already the twelve large sinks have been filled and the privies removed three times. In the spring the camp will unavoidably be muddy and filthy. In the summer the stench caused by excrements will be insufferable and will certainly engender disease. I have caused a primary survey to be made of the ground, and after careful consideration I have the honor to respectfully recommend the construction of water-works and sewerage upon the following plan, which has been examined by Col. A. J. Johnson, commandant of the prison, by Dr. A. M. Clark, acting medical inspector of prisoners of war, and by other competent persons, who agree that the work proposed is necessary and the plan adequate and as economical as any that will meet the indispensable requirements of the prison and garrison. Directly south of the 130-foot avenue and 200 feet distant from the fence, the ridge running east and west in the rear of the prison is forty feet above the level of the river at low-water mark and ten and fifteen feet higher than any point where water will be required. Upon this ridge it is proposed to build a round reservoir of stone 150 feet in diameter and fifteen feet high, which is estimated to have capacity for enough water to last 15,000 men ten days at an allowance per day to each man of fifteen gallons for all purposes. Through the center of the 130-foot avenue it is proposed to dig a sewer leading into the river, and over which is to be a line of double privies extending from the 90-foot avenue north to within thirty feet of the prison fence.

The sewer is to be supplied with water from the reservoir, and by means of gates and levels three or four feet of water is to be kept standing in the sewer to receive the excrements, which as often as necessary are to be flushed into the river. At the south and upper end of the sewer are to be the wash and bath houses for the whole prison, having stationary tubs with drainage into the sewer. The plan provides for surface drainage from the kitchens and into the main sewer, so that all the filth and offal of the prison passes through the sewer and into the river. Water for drinking and culinary purposes is to be supplied the prison and post by means of cast-iron pipe and hydrants. The pipes from the reservoir to the 90-foot avenue to be 8 inches in diameter, and thence through the center of the 90-foot avenue, 4 inches in diameter. When the reservoir is full there will be from 22 to 35 feet head, which is sufficient to force the water through 400 feet of fine hose attached to hydrant and extinguish any fire within the prison or barracks. The following is an estimate of the cost of the proposed improvement: 160 feet 6-inch cast-iron suction pipe, at $3 per linear foot, $480; 800 feet 8-inch cast-iron main supply pipe, at $4.25 per linear foot, $3,400; 4,400 feet 4-inch cast-iron supply pipe, at $1.75, $7,700; 20 hydrants, at $40 each, $800; 1 Worthington duplex pump (400 gallons per minute), boiler, &c., complete, $1,650; total, $14,030. Fifteen hundred perches masonry in reservoir, at $3.50 per perch, $5,250; concrete bottom and cementing face of inner wall, $1,000; 550 perches masonry in sewer, at $2.50 per perch, $1,275; total, $7,525. To be reduced two-thirds by rebel labor, &c., to about $2,500. Grand total, $16,530.

It is proposed that the prisoners and troops quarry the stone, dig the trenches for pipe and sewer, tend the masons and do all the manual labor required. The stone can be quarried on the island and hauled by Government teams. This will reduce the estimate for the reservoir and sewer by at least two-thirds as above given. If the Quartermaster-General and the Commissary-General of Prisoners of war agree, it is proposed that the privies, the wash and bath houses, and the supply of water for the rebel hospital (which is near the reservoir) be constructed at the expense of the prison fund. The above estimate does not include the cost of the above work, which will probably amount to $5,000.

It is believed that when bids are received the cast-iron pipe can be furnished considerably lower than the estimate. I believe the whole expenditure of quartermaster's funds will not exceed $17,000. The work may be done for $15,000. If the plan and recommendation are approved and the work ordered, I will immediately cause an accurate and detailed plan and estimate to be made and forwarded for your approval. I am satisfied that such a plan of water-works, sewerage, and drainage is absolutely indispensable, and believe the one submitted to be adequate and as economical as can be desired.

Very respectfully, your obedient servant,

C. A. REYNOLDS,
Captain and Assistant Quartermaster.

[Indorsement.]

I fully concur in the above. In my judgment the object proposed is indispensably necessary.

Very respectfully,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 3, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I inclose a letter addressed to John Hilton, who is supposed to be a prisoner in the hands of your authorities, and respectfully request that you will endeavor to have it delivered to him. He was on board the U. S. gun-boat Tahoma, and was wounded and captured near the town of Tampa October 16, 1863.

Will you please inform me as to his whereabouts and present condition?

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 3, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities make a special exchange of Lieut. Yeatman Bickham, Nineteenth U. S. Infantry, a prisoner in Libby Prison, for Capt. N. C. McLean, of the Confederate Army, prisoner at Johnson's Island?

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 3, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me whether S. B. Ellis, third assistant engineer, late of the Underwriter, was wounded at the time he was taken prisoner; and if not, of his whereabouts and present condition?

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 3, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts and present condition of Martin L. Nutt, Third Brigade ambulance corps; Warren B. Persons, Company D, Sixty-fourth Regiment New York Volunteers; Andrew Barmister, Company D, Sixty-fourth Regiment New York Volunteers; John B. McRoberts, captain, Third Ohio Volunteers; James A. Crawford, private, Company B, One hundred and fifth Ohio Volunteers; Nathaniel M. Parsons, on gun-boat Underwriter; T. S. Harris, lieutenant, Third Pennsylvania Artillery; Jeremiah B. Towson, private,

Third Pennsylvania Artillery; Hiram H. Vennum, private, Company E, Second Massachusetts Cavalry; John R. Johnston, private, Company E, Second Ohio Volunteers; Frederick A. Rew, private, Company A, Twenty-fourth Wisconsin Volunteers; Philo F. Washburn, Nineteenth Maine Volunteers; George W. Brown, Company M, Sixteenth Illinois Cavalry; Duncan V. McStewart, lieutenant; and Francis B. Cary, One hundred and forty-first Pennsylvania Volunteers?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 3, 1864.

HON. ROBERT OULD,
Confederate Commissioner for Exchange, Richmond, Va.:

SIR: I inclose you copies of correspondence, so far as received, between General Peck and General Pickett, and instructions to General Peck from myself, in regard to the execution of certain men in North Carolina enlisted in the U. S. service.*

I desire to ask your especial attention to the threat of General Pickett that he will hang ten men for any retaliation that may be made by General Peck for the murder of men in the U. S. Army. If that threat had been made in answer to a claim that deserters from an army situated as is yours were not liable to be executed upon capture if found in arms in our ranks, it might have been possibly justified under the laws of war; but even then the question of the right of executing such persons is still worthy of careful consideration and discussion. True, General Pickett having deserted his own flag and the Army of the United States on the 25th of June, 1861, would probably know what should be the fate of a deserter found in arms against his Government; but the question will be whether he would be permitted to allow his own personal feelings to prevail in a matter of so grave importance to his brother officers and soldiers now in our hands.

I beg you, however, to observe that this threat was in answer to a claim that a negro soldier enlisted in the Army of the United States, and under the protection of its Government, should not be wantonly murdered simply because that, while in the field and in the course of military operations, he, in pursuance of his duties as a soldier, shot a colonel of the Confederate Army while he was building a pontoon bridge—a meritorious act on the part of the soldier, and one because of which, under no rule of civilized warfare, should a hair of his head be injured.

Now, therefore, as I cannot hang any sufficient number of General Pickett's friends or relations which would be in the nature of a personal retaliation, and which ought not to be thought of by the generals of two armies in the field, if I proceed to retaliation it must be upon the soldiers and officers of the Confederate Army that I have in my hands, as I shall most assuredly feel it my duty to do unless some period is put to such acts and such threats.

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*Inclosures were Peck to Pickett, February 11 and 13; Pickett to Peck, February 16 and 17; Butler to Peck, February 17, Series I, Vol. XXXIII, pp. 866, 867, 868, 569, respectively, and Pickett to Peck, February 27, p. 994, *ante*.

It therefore becomes my duty, as commanding general of this department, to call upon the Confederate authorities to know if such acts and that threat are sanctioned and authorized by them. I will patiently wait for a sufficient time to elapse in which I can be made acquainted with the course which the Confederate authorities choose to take upon this subject, and then will proceed to such action as I may be advised is proper to sustain the dignity, power, and justice of the Government which I represent.

To avoid all misconception upon so grave a subject, involving so much responsibility, I desire to say that until full explanation is had with the Confederate authorities I should not deem it my duty to execute prisoners of war in retaliation for the execution of deserters from the Confederate Army should they be found with arms in their hands, because the question should be made the subject of discussion between the two belligerents. But the question which I desire to submit for authoritative decision on the part of those you represent is, whether a soldier of the United States who is duly enlisted and has not deserted from your army, and who has committed no act which could be construed as crime—save acts of hostility in the field against the Confederate armies, whatever may be the color or complexion of that soldier—is to be regarded and treated by your authorities as a prisoner of war, and, as such, entitled to the rights and immunities of such condition.

The most obvious considerations of humanity and mercy will impress more strongly than anything I could say might do the immediate necessity of placing this matter before your authorities; and I take this method of communicating through yourself as the most proper channel through which to discuss questions relating to prisoners of war.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

WASHINGTON, D. C., *March* [3], *1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: On the 12th ultimo I had the honor to address you in reference to a telegram from General Butler from Fort Monroe charging me with having made "gross misrepresentations" to you. I have now General Butler's letter to you of the 19th ultimo, scarcely less offensive in its reference to me and wholly without warrant or excuse. If General Butler had even thought me mistaken, he might have pointed out wherein I was so, and then let the nature of the mistake determine its own character; but that he should descend to the use of his vulgar language in the gross accusation he has dared to level against me is wholly unbecoming his rank and position, though entirely in keeping with his pretty well-established character for insolence and impudent brutality.

The Honorable Secretary of War cannot need the suggestions of any one to enable him to see the errors and the wrongs against the undersigned in the letter of the 19th of February, now before me. It is a suitable sequel to the telegram of the 10th of the month. Having accused me in his telegram of having made "gross misrepresentations" to you, he now accuses me of being "not too ingenuous" in my letter to himself, a plain, simple letter, setting him right on a material point of fact. General Butler had officially reported that his declaration of exchange extended to only "about 750 men," including the 500 received

by himself. In my letter I informed him that it extended to some 3,000 officers and men, reduced to privates. The fact is one of record and is indisputable, but in a brief reference to it, in a mere letter answering a question of his own, I did not think it necessary to make authentic calculations which could not in any view affect the main point, and I therefore accepted his own report as to the number which he stated would be affected by his declaration, to wit, 750, and did not reduce the two officers—for there were but two—to their equivalents in privates, which might have carried the number up some twenty, or thirty, forty, or possibly fifty more, but which could by no possibility carry the number anywhere near the 3,008, the actual number affected by his declaration. Upon this wholly unimportant matter General Butler takes occasion to say that my statement is "not too ingenuous," or, in other words, that it is disingenuous, and he makes a statement himself that his 750 included some officers who were not reduced to their equivalents in privates; thus disingenuously, even dishonestly, attempting to convey the impression that if his 750 had been reduced to privates they would have been equivalent to the 3,008. It is shocking to one's better nature to be obliged to come into contact with so disreputable a proceeding in any shape.

General Butler thinks the argument is all on "one side," meaning his own side. He is welcome to the argument; the facts, as I affirm, are all against him.

He accuses me with being displeased with his declaration of exchange because not made by myself. General Butler ought to know enough of the course of duty in which he is engaged to know that I have never made a single declaration of exchange, nor have I at any time desired to make, over my own name, any announcement in connection with a declaration of exchange.

I have pointed out to him the proper course, sufficiently indicating my indifference on this point, to wit, that the agent should report to Colonel Hoffman, the Commissary-General of Prisoners, when an exchange has been properly agreed upon between the parties, and that Colonel Hoffman's duty is then to furnish the specifications or details to the Adjutant-General, who announces the declaration in orders for the information of all concerned; not for the information of the prisoners merely, for the commanding officers in the field need the information. My name has in no instance appeared in connection with such declarations, and the allusion to a point like this in General Butler's letter can only show his own over-weening anxiety to parade his own name before the public in connection with the duties of exchange in order to create the opinion that he is doing something in the direction of his duties as agent of exchange, and here I must beg leave to remind you, and through you General Butler himself, that in the hope of furnishing relief to our suffering prisoners in Richmond I myself, in the presence of General Halleck, urged upon you or suggested my wish for the appointment of General Butler as the special agent of exchange at City Point, having understood that he thought, or professed to think, that he could accomplish the release of those prisoners if empowered to act as agent of exchange.

You will also doubtless recollect, and will excuse my allusion to the fact at this time, that when it became apparent that the system of exchanges had become seriously interrupted to the prejudice of our prisoners in Richmond, I, by a note addressed to yourself, expressed my entire readiness to withdraw either altogether or temporarily, as you might deem proper, from the duties of exchange, to give any other

officer an opportunity of using his skill, talent, or ability for the relief of those prisoners.

No vulgar love of newspaper notoriety tyrannizes over my disposition to impede its action in behalf of suffering humanity. No man in this nation has more sympathy for the sufferings of Union people in Richmond, both civilians and soldiers, than myself, and no man more deeply laments the cruel and barbarous policy of the Richmond authorities in the treatment of the prisoners who have unhappily fallen into their hands, by which miserable and disgraceful policy they hope so to distress our people through the noblest of sympathies as to force upon the Government some action for the advantage of the political scoundrels who have got up this horrible rebellion.

General Butler himself will recollect that when the subject of his position as agent was spoken of in the War Office, in the presence of the President, the Secretary of War, and the General-in-Chief, after it became known that the rebel authorities had given notice that they would do no business with him, and that a flag of truce even should not protect him, I then expressed the opinion that the rebels could not be allowed to say who should or should not be appointed to execute the duties of the Government. It is true that there was no question made on this point, but I have a right to refer to my frank declaration at that time to show General Butler the enormity he commits when he presumes, even so remotely, to intimate a disposition on my part to interfere with any proper execution of his duties as an exchange agent out of a desire to see my name in connection with them. I advised his appointment as agent in the first place in the hope of carrying relief to our prisoners in Richmond. When I gave the opinion that he ought to be sustained as the agent I was moved by a consideration of the respect due to the Government, but with a hope that the obstacles to his intercourse with the enemy under flag of truce might be overcome. In neither case, nor at any time, have I had in view any regard to its effect upon my name or notoriety.

But the obstacles referred to have not yet been overcome, and now I do not hesitate to express my deep regret that General Butler was ever appointed the agent of exchange, for the difficulties of an advantageous intercourse with the enemy on the subject of exchange have been greatly increased, and whilst his appointment has, to a considerable extent, come to be felt in the country as an embarrassment, some of our prisoners in Richmond are writing letters of complaint, as if our Government, in the appointment of General Butler, a man known to be so offensive to the rebel authorities, had willfully disregarded the interests of the prisoners. The evidence of this latter fact is in my own hands, furnished from Libby Prison through the Governor of Wisconsin, and can be produced whenever necessary. Assuredly, in this state of facts, General Butler cannot impute to my interference from personal motives his want of success in the duty he so earnestly sought, assuring the Department as he did that, if permitted, he could effect the release of all of our prisoners in Richmond, casting unworthy imputations upon his predecessor, General Meredith, a most amiable and honorable gentleman, for no other purpose but to have him removed out of his way.

But I pass by the further consideration of these points and beg to refer the attention of the Honorable Secretary of War to the presence, in General Butler's communication of the 19th ultimo, of a letter purporting to be from Mr. Ould, the rebel agent of exchange, addressed to myself. This letter stands in General Butler's communication as an

official paper, received and acted upon in due course of business, with which my name and presumed sanction is connected, and yet General Butler never sent that letter to me. He has presumed to use this letter in his secret and unauthorized intercourse with Mr. Ould, even to the extent of making it the ground of an official act which I am virtually held responsible for. General Butler interpolates the letter in question in his official communication to yourself without any explanation as to its origin or history, whilst he appeals to it as the authority for his declaration of exchange, and he leaves the letter, thus unexplained, to go upon the archives of the War Department having the appearance of a letter received and acted upon in the ordinary course of business, when General Butler knew he had no authority whatever to use this letter without first receiving the sanction of the Secretary of War. His position required him to forward the letter or a copy of it to the Secretary of War, and then to return the letter, if not otherwise ordered, to Mr. Ould, as a rebuke for the attempt to pass by himself, the appointed agent of exchange, to whom Mr. Ould's communications should have been addressed.

The letter itself is artfully written by Mr. Ould, in keeping with the character of the man, calculated expressly to convey the false impression that the business of exchange had been regularly conducted between himself and General Meredith, as General Butler's predecessor, down to the 1st of September last, and Mr. Ould then ostensibly addressing his letter to me, but knowing by his secret intercourse with General Butler that it would not only be received by General Butler but would be acted upon by him without my knowledge.

As the letter purports to be official and is addressed to me, I am thus, through this secret channel, made a party to a transaction between General Butler and Mr. Ould, which in point of fact has no official sanction and with which I had nothing to do, whilst in the communication of General Butler my name is so connected with the proceeding as to make it appear that the letter of Mr. Ould had not only been seen by me but that its use by General Butler had my sanction. But now, whilst I do not wish to have my name appear in public unless absolutely necessary for some sufficient public object, I do not choose to have it foisted into a public transaction, of doubtful propriety at best, with which I had nothing to do.

The letter from Mr. Ould, and which I repeat, though addressed to me as the commissioner of exchange, was never sent to me by General Butler, not only represents that the business of exchange had been duly and regularly conducted between himself and General Meredith down to the 1st of September, but was expressly written to convey the idea that the business had been subsequently duly formal and proper on Mr. Ould's part, when Mr. Ould knew that his improper conduct was the immediate cause of the unpleasant controversy between himself and General Meredith, which made further exchanges apparently impossible without a change of agents. That controversy, at what may be called its close, left us with a clear and decided claim, disputed, it is admitted, by Mr. Ould, to from 10,000 to 15,000 men, which Mr. Ould ought to have delivered to us, embracing, as it would have done, nearly all of the prisoners then in rebel prisons.

But I must remark here, in order not to be misunderstood, that the suspension of exchanges did not result from the consideration that the rebels held a few prisoners, more or less, improperly, but it grew out of the principles upon which our enemies were acting and which left us no alternative.

Mr. Ould's letter ostensibly to me, but designed for General Butler's action, was thus artfully written in order to afford a seeming excuse for General Butler to concede the point to Mr. Ould that no real difficulties existed on the subject of exchange, and that there existed no reason why General Butler and Mr. Ould should not recommence the interrupted system of declarations of exchange; and then Mr. Ould, as if he was but acting in the due course of business, proceeds to "notify" me—that is General Butler, ostensibly through me, to whom the letter is addressed—that he, Mr. Ould, will on the 1st of February declare exchanged all Confederate prisoners received at City Point up to a certain date, and concludes by giving permission to General Butler to make a similar declaration, which he makes accordingly, and this is the declaration which General Butler now insists is in all respects in conformity with custom, right and proper.

But the declaration in question has not a single feature in it in conformity with usage. It is not founded upon an authorized agreement between the respective agents of exchange, nor upon any publicly known agreement whatever. It stands upon an *ex parte* letter from Mr. Ould, addressed to myself, and which fell into the hands of General Butler, who has presumed to act upon it without any authority whatever, and the letter itself shows upon its face that Mr. Ould assumed to control and decide upon the whole matter of exchange himself, not conferring openly with any one on the subject. He condescends to "notify" me, or General Butler, through me, that at a certain time he he will make a certain declaration, and then tells General Butler that he can do the same. He invites no conference, he asks no consent, but he declares what it is his purpose to do, leaving General Butler no option in the case.

If this is the way to do business of this sort between belligerents I have yet to be instructed in some of the plainest dictates of the morals of war and must learn anew what constitutes the dignity of an agent acting in the name of his Government in behalf of interests of very great importance, put in jeopardy by a man of unscrupulous and vigilant activity on the other side.

General Butler appends to his letter several declarations of exchange announced by the War Department by orders signed by the Adjutant-General of the Army, and he claims that his declaration is precisely in the same language and pleads this as a justification in issuing his department order on a similar subject. Besides that, this does not touch the real objections to his proceedings; he might as well use the precise language of a proclamation of the President and then claim the right to issue a proclamation to the whole country, dated at his local headquarters.

Mr. Ould maintains his character for disingenuous diplomacy throughout the whole transaction. After giving to General Butler a notification of what he has determined he will do with regard to declaring exchanged all prisoners received by him at City Point, having inveigled General Butler through his secret correspondence into an acceptance of his purpose, he returns to Richmond and declares exchanged, not the prisoners "received at City Point," but, if the Richmond papers can be relied upon in printing his declaration, he sets free from the obligations of their parole all Vicksburg prisoners (who never saw City Point) who had reported for duty at a certain place in Mississippi called Enterprise prior to a given date and certain other prisoners, leaving himself still an indefinite margin to go upon for future declarations whenever it may suit his pleasure according to his principle as declared to General

Meredith, that he would "proceed to make declarations of exchange whenever he conscientiously felt the right to do so," which means whenever he felt disposed to do so "for the purpose," as he also said, "of putting men into the field."

What now is the result of this secret intercourse with Mr. Ould but to give him some color of excuse for going on *ad lib.* in making declarations of exchange in total disregard of all just principles which ought to govern this business.

We have had it in our power all along to have had amicable dealings with Mr. Ould by simply allowing him to have his own way, by simply permitting him to take the initiative and "notify" us of his purpose and accepting his permission to follow his dictation as to what we ought to do, whilst he takes the liberty at the same time of disregarding his own proposition and doing something else more to the interest of his employers.

As the commissioner for the exchange of prisoners I beg leave respectfully to repudiate this whole proceeding as irregular and unauthorized, protesting in the strongest terms against the use made by General Butler of a letter addressed to me, but which he never communicated to me, nor did he communicate it to yourself until it was forced out of his hands by the necessity he has been placed under of attempting to explain, though ever so feebly, his conduct in this business, in which he has been led into a gross impropriety by a morbid desire to seem before the country to be doing something in the business of exchange. His pretense is to put men into the field who are now at parole camps, but this affords no relief whatever to our prisoners in Richmond, and it is manifest that so long as no declarations are made no particular advantage can be gained on either side, each side being supposed to have a corresponding number on parole, not under arms, as the basis of exchange.

It is not out of place to notice the fact here that General Butler in his declaration of exchange has assumed the designation of commissioner of exchange. If he will consult the orders under which he is acting he will find that he is an agent of exchange at City Point, under the cartel, and has no powers beyond that agency. I regard this of no importance in itself, but General Butler evidently does, and since he so regards the designation as important he should adhere to the one given him in the orders under which he is acting.

Colonel Ludlow always adhered to his proper designation, that of agent of exchange. General Meredith was appointed commissioner by his orders, but General Butler, by his orders, is agent of exchange at City Point, and has no duties outside of it in connection with the exchange of prisoners.

I have one more fact to state which I wish General Butler to know, and, as I request that a copy of this letter may be furnished to him, I state the fact here.

General Butler has evidently supposed that the order from yourself to suspend his declaration of exchange was based upon some suggestion of mine, but he is mistaken. The Secretary of War will doubtless remember that he himself on the receipt of a copy of that declaration interposed his order to suspend it before seeing me or hearing a word from me on the subject. The impropriety of the declaration was apparent from several points of view. It was improper from the single fact alone that it had been publicly announced, and had been reported by General Butler himself, that the rebels would have no intercourse with him under flag of truce. From this fact alone the Secretary of War was compelled to see at once that of necessity the declaration must be improper.

It must of necessity have been wanting in those public or authorized sanctions necessary to justify a public act of this nature, and how could the Secretary of War—how could any one—have imagined that General Butler would carry on a secret intercourse with the enemy over the name of another officer made a cat's paw of by both parties without his knowledge, even to the point of concluding an arrangement of a public character, and then assume to make a public declaration of it without the authority of the War Department, and without even reporting the particulars in the case.

In so plain a matter it would have been very extraordinary if the Secretary of War had waited for the suggestion of any one before putting his veto upon so unwarranted a proceeding, and now General Butler may reflect upon the fact that his assault upon the undersigned, in connection with the suspension of his declaration of exchange, must slide off from the object aimed at and fall upon a much higher personage.

If this communication betrays a deep sense of the wrong done me by General Butler over and above the official impropriety he has committed, and exhibits language not usually found in official communications, and such as I am not in the habit of using, and such as I had proposed to myself not to indulge in, I beg the Secretary to consider the enormous provocation put upon me by General Butler, who, knowing my official relations to the head of the War Department, has charged upon me a "gross" breach of those relations—a charge at which every right-minded man who encounters it must shudder. The charge of murder even would have been felt as less degrading than that of making "gross misrepresentations" to the officer in whose staff I have the honor to hold a position.

When I first heard of this accusation, it was so entirely unexpected and so absolutely undeserved that I did not realize its enormity, and I thought it could not, as I intended it should not, mislead me into any departure from official courtesy in any notice I might be required to make of it. If I have departed in some degree from the rule I had proposed to myself, the binding obligations of which I admit in general, I respectfully ask the indulgence of the Honorable Secretary, through whom I am compelled to transmit this letter, in the writing of which I am forced to admit that my contact with General Butler in the brief intercourse I have had with him has deeply impressed upon me the ancient truth, that "evil communications corrupt good manners."

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers, Commissioner of Exchange.

HEADQUARTERS MARMADUKE'S DIVISION,

Camden, Ark., March 3, 1864.

Maj. Gen. FREDERICK STEELE,

Commanding, &c., U. S. Army, Headquarters Little Rock, Ark.:

GENERAL: I learn that you have in your guard-house Captain Randall, Lieutenant Bradford, Lieutenant McCoy, and several privates, all of my command and lately captured by some of your scouting parties. I further learn that Captain Randall (and perhaps the rest also) are miserably treated; the officers confined in dirty, filthy prisons, bad food, and sadly in want of the necessary clothing and blankets to keep them from suffering. I hope this is not true, yet my information comes in such manner that I am compelled to believe it. I cannot, however,

believe that you are aware of this sad condition, and feel assured that you will see them treated humanely and as brave men deserve. I desire, moreover, to inform you that the officers and men above referred to were acting under my orders and must be treated as prisoners of war. I learn that Lieutenant McCoy is charged with being a spy. It is false. When captured he was in command of a party of some fifteen men acting under written and proper instructions from me.

Very respectfully,

J. S. MARMADUKE,
Brigadier-General, Provisional Army, C. S.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 3, 1864.

Brig. Gen. W. W. ORME, *Commanding Post, Chicago, Ill.:*

GENERAL: By authority of the Secretary of War I inclose herewith a list of articles which may be sold to prisoners of war in confinement at Camp Douglas, by some suitable person to be appointed by yourself. It is not expected that a large sutler's store will be established, but merely a small room where supplies for a day or two may be kept on hand. None but the articles enumerated on the list can be sold, and every precaution must be taken to prevent abuse of the privilege, either by the person permitted to sell or the prisoners. No sale should be made before 8 o'clock in the morning or after half an hour before sunset. As prisoners are not permitted to have money in their possession, all sales should be made on orders on the commanding officer or officer in whose hands is deposited the money belonging to prisoners, and these orders should be paid as often as once a week, if practicable.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Similar to Brig. Gen. G. Marston, commanding Depot Prisoners of War, Point Lookout, Md.; Brig. Gen. H. D. Terry, commanding U. S. forces, Johnson's Island, Ohio; Brig. Gen. A. Schoepf, commanding Fort Delaware, Del.; Lieut. Col. C. W. Marsh, acting provost-marshal-general, Department of the Missouri, Gratiot and Myrtle Streets Prisons, Saint Louis, Mo.; Maj. Stephen Cabot, commanding Fort Warren, Boston Harbor, Mass.; Col. A. J. Johnson, commanding Depot Prisoners of War, Rock Island, Ill.; Col. W. P. Richardson, commanding Camp Chase, Columbus, Ohio; Col. A. A. Stevens, commanding Camp Morton, Indianapolis, Ind.; Col. William Weer, commanding military prison, Alton, Ill.; Col. P. A. Porter, commanding Fort McHenry, Baltimore, Md.)

[Inclosure.]

List of articles which sutlers may be permitted to sell to prisoners of war.

Respectfully submitted for the approval of the Secretary of War, and approved.

Tobacco, cigars, pipes, snuff, steel pens, paper, envelopes, lead pencils, pen knives, postage stamps, buttons, tape, thread, sewing cotton, pins and needles, handkerchiefs, suspenders, socks, underclothes, caps, shoes, towels, looking glasses, brushes, combs, clothes brooms, pocket knives, scissors. Groceries: Crushed sugar, sirup, family soap, butter, lard, smoked beef, beef tongues, bologna sausage, corn-meal, nutmegs, pepper, mustard, table salt, salt fish, crackers, cheese, pickles, sauces,

meats and fish in cans, vegetables, dried fruits, sirups, lemons, nuts, apples, matches, yeast powders. Table furniture: Crockery, glassware, tinware.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS CAMP SUMTER,
Andersonville, March 3, 1864.

W. B. PAUL, Esq., *Sheriff, Lee County:*

SIR: Under the authority vested in me by Maj. Norman W. Smith, chief inspector of field transportation (a copy* of which please find inclosed), you are hereby authorized to impress four four-mule wagons and teams for the period of thirty days and forward same to me at once at these headquarters. You will be careful to take these teams from plantations from whence they can best be spared.

Very respectfully,

R. B. WINDER,
Captain and Assistant Quartermaster.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, March 4, 1864.

Colonel HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: In answer to your telegram of this morning, which I send by mail, as the telegraph at present works no faster, the cable being broken, I send you the list of exchanges following: Maj. A. B. Wade, Seventy-third Indiana, for Col. J. S. Gholston, Sixteenth Georgia; Lieutenant Doughty, Fifty-third Indiana, for Lieut. A. R. Woodroof, Nelson's battalion; Col. D. F. Dulany, Fifth Virginia Militia, for Col. D. Howard Smith, Fifth Kentucky Cavalry. Can there be any possible objection to my declaration of exchange? All the equivalents are serving in the Confederate Army against us, while we cannot make the declaration. Please also send to Point Lookout all the prisoners at Fort Delaware. We are amply able now to take care of them, whether officers or soldiers.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 7, 1864.

Respectfully submitted to the Secretary of War.

The exchanges announced have been reported to the Adjutant-General and the attention of the Secretary of War respectfully invited to the latter part of this letter. Four thousand prisoners can be provided for at Fort Delaware in addition to those now there, and I consider it a safer place for them than at Point Lookout.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* Not found.

[Second indorsement.]

WAR DEPARTMENT, *March 9, 1864.*

Respectfully referred to the commissioner for the exchange of prisoners for remark.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Third indorsement.]

MARCH 12, 1864.

I concur in the opinion of Colonel Hoffman that Fort Delaware is a safer place for prisoners than Point Lookout if they are not required at Point Lookout for some special reason. With regard to a declaration, as referred to in General Butler's letter, I have to remark that if Mr. Ould has placed on duty the equivalents as stated he has done so without authority, without any agreement with us, but in accordance with his known disregard of all proper rules governing the exchange of prisoners, and I do not think the proper remedy of such irregularities is to be found in following his example.

E. A. HITCHCOCK,
Major-General of Volunteers, &c.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 4, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: In reply to your communication of February 17, informing me that the Secretary of War authorizes the exchange of Capt. A. W. Metcalf, Fourteenth New York Cavalry, for Capt. George V. Moody, a rebel officer at Camp Chase, Ohio, I have to inform you that Captain Metcalf has been exchanged for Captain Stanley, of North Carolina.

I am, sir, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

[MARCH 4, 1864.—For Ross to Coates, and Coates' reply, in regard to the execution of certain Confederate prisoners, see Series I, Vol. XXXII, Part I, pp. 326, 327.]

WASHINGTON, D. C., *March 4, 1864.*

Maj. Gen. S. P. HEINTZELMAN,
Commanding Northern Department, Columbus, Ohio:

GENERAL: Until recently I have been under the impression that the prisoners of war in the Ohio penitentiary were under military control except so far as their custody was concerned, and I presumed that visitors were not permitted to see them except by permission from this office.

Will you please inform me under what rules they are held there, and if the warden or other State officials give admission to visitors to these prisoners as they do to state prisoners. They should be under the same military control as other prisoners of war, except in so far as this may be modified to suit the rules of the prison. Visitors should not be

admitted except by military authority, and a monthly return of these prisoners should be made as at prison stations.

If no such officer has yet been appointed I respectfully request you will appoint a provost-marshal to the prison, whose duty it shall be to have the military supervision of the prisoners and to make to this office all necessary reports.

Please order a return for February forwarded immediately. I inclose a form herewith.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON CITY, D. C., *March 4, 1864.*

The OFFICER COMMANDING AT FORT WARREN:

SIR: The Navy Department has placed in my hands the accompanying letter* from W. A. Webb, commander, C. S. Navy, now at Fort Warren, bearing date the 26th ultimo, for such use as I may think proper, and I deem it proper before making any other use of it to refer it to yourself for such report as may either verify or refute such portions of the letter as refer to the treatment of the prisoners at Fort Warren.

I will thank you to return the letter with your remarks upon it,† and inform Commander Webb that if he desires to communicate with the Richmond authorities by letter he will confine himself to the immediate business object he may have in view.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols., Commissioner for Exchange of Prisoners.

RICHMOND, *March 4, 1864.*

Hon. J. A. SEDDON, *Secretary of War:*

DEAR SIR: It has occurred to me that the papers just captured from the enemy are of such an extraordinary and diabolical character that some formal method should be adopted of giving them to the public than simply sending them to the press.

My own conviction is for an execution of the prisoners and a publication as justification. But in any event the publication should go forth with official sanction from the highest authority, calling the attention of our people and the civilized world to the fiendish and atrocious conduct of our enemies.‡

I am, sir, very respectfully, your obedient servant,

BRAXTON BRAGG.

CAMP SUMTER, *Andersonville, Ga., March 4, 1864.*

Maj. A. M. ALLEN,

Commissary of Subsistence, Columbus, Ga.:

MAJOR: I will take great pleasure in working in harmony with yourself and Capt. J. W. Armstrong, assistant commissary of subsistence,

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* Not found.

† See Cabot to Hitchcock, March 7, p. 1024.

‡ For reports and correspondence relating to the "Dahlgren raid," and especially General Lee's communications on the subject, see Series I, Vol. XXXIII.

to facilitate the feeding of prisoners at this post, but under present instructions see some difficulties, and before I call the attention of the Quartermaster-General to them would be glad of any suggestions you would be pleased to make which might relieve them. There is no market whatever at this post and it is utterly impossible that my laborers and employés can purchase the necessary food to live upon, except at the caprice and exorbitant charges of such persons as will bring provisions to them, and it is equally impossible for them to obtain board of any kind at any price. Under these circumstances the Quartermaster-General has instructed me to sell to them at Government rates what provisions they may require. Again, how are my negro laborers to be fed? And again, under precedent set at Richmond, which I am instructed to follow, the Yankees who are detailed at work receive double rations. How are these rations to be accounted for? It is true that I might include them in my five days' provision receipts, but it would always show a larger number of rations issued than prisoners on hand, and as I am receipting to you on provision returns, it would be folly to again take up your issues on my property return and issue them. If you can so arrange it as to furnish rations to my negro laborers, sell provisions to my employés, and fix the matter so as to issue the extra rations to prisoners, all of which arrangements I think you can easily make, all difficulties will be at end.

Your commissary house I shall try to have completed by 1st of April if Captain Armstrong can furnish me the necessary materials.

Please give me your very earliest attention to matters herein contained, as it is necessary that they should be arranged at once.

Respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, Tenn., March 5, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

I have the honor herewith to transmit you the official papers relating to the recent exchange of prisoners entered into by Maj. Gen. George H. Thomas, commanding Department of the Cumberland, and General Joseph E. Johnston, commanding Confederate forces.* Feelings of humanity prompted the commanding general to endeavor to effect this exchange, he having learned from competent authority that there were a number of the soldiers belonging to this army who had been wounded and captured by the rebels at the battle of Chickamauga who were suffering in rebel prisons at Atlanta, and as our forces had captured some wounded Confederates, who were then in our possession, it was not deemed to be imprudent to effect the exchange.

I have the honor to be, colonel, very respectfully, your obedient servant,

WM. D. WHIPPLE,
Brigadier-General and Chief of Staff.

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*See Thomas to Johnston, January 21, p. 862, and Johnston's reply, February 11, p. 942.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, March 5, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In the publication by the Senate of the correspondence on the subject of the exchange of prisoners* I observed that the whole of the correspondence between Mr. Ould and myself previous to the 14th of January, 1864 [1863], and much of it since that date, does not appear. I have felt it my duty to inform you of this fact and that I turned over to Brigadier-General Meredith all the correspondence and papers which passed between Mr. Ould and myself during the whole time I was on duty as agent for exchange of prisoners.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieut. Col. and Asst. Insp. Gen., Department of the East.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 5, 1864.

Capt. STEPHEN E. JONES,
Aide-de-Camp and Provost-Marshal, Louisville, Ky.:

CAPTAIN: Your letter of the 27th ultimo in relation to political prisoners held in Louisville is received. The orders of the War Department require that all political prisoners who have been reported to this office shall not be discharged without the authority of the Secretary of War, but it is not expected that any will be reported here against whom there are not apparently well founded charges of disloyal acts. Many are arrested under circumstances which make it proper, but a little investigation shows the innocence of the accused, and he should be released; but this should take place before reporting to this office. Prisoners confined for civil offenses not connected with the rebellion are not political or state prisoners and are not to be reported to this office.

Instructions have been given to the generals commanding departments to order without delay the trial of all persons arrested as spies, or for other grave offenses, and you will therefore forward charges against all persons so charged now in your custody through the district commander, with the names of witnesses, and request a trial to be ordered. When prisoners are tried before a military tribunal for political or for other offenses the sentence will be executed, whatever it may be, even though they have been reported to this office. If there are prisoners in custody for ordinary offenses against the law who have through mistake been reported to this office they may properly be transferred to the prisons appropriated for such cases, and be so reported on your rolls and returns.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

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* Senate Executive Document No. 17, Thirty-eighth Congress, first session.

GENERAL ORDERS, No. 29. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 5, 1864.*

1. The following acts of Congress are published for the information of the Army:

* * * * * * *

AN ACT to repeal certain portions of the act of May 21, 1861, relative to prisoners of war.

The Congress of the Confederate States of America do enact, That so much of the act of Congress passed May 21, 1861, as makes it the duty of the Quartermaster-General, under instructions issued by the War Department, to provide for the sustenance of prisoners of war, is hereby repealed, and hereafter that that duty shall devolve on the Commissary-General of Subsistence, and be discharged by him, subject to the provisions of the act referred to.

Approved February 17, 1864.

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By order:

S. COOPER,
Adjutant and Inspector General.

[MARCH 5, 1864.—For Seddon to Lee, in relation to the treatment of the prisoners captured at the time Colonel Dahlgren was killed, see Series I, Vol. XXXIII, p. 218.]

GENERAL ORDERS, No. 1. } HEADQUARTERS, CAMP SUMTER, *March 5, 1864.*

It will be the duty of the officer of the day to furnish, upon the requisition of the quartermaster of the post, such detail of men as may be required for burying the dead.

A. W. PERSONS,
Colonel, Commanding Post.

NEAR POINT LOOKOUT, MD.,
On Board Steam-Tug Clyde, March 6, 1864.

Capt. A. J. PERRY,
Asst. Q. M., Quartermaster-General's Office, Clothing Branch:

CAPTAIN: Many of the rebel prisoners at Point Lookout wear new light blue uniform trousers. General Marston informs me that these have been sent to him for issue instead of irregular clothing. This should be corrected and a supply of irregular and useless clothing sent here. If the pantaloons are exhausted, cut up the overcoats and make them into pantaloons.

M. C. MEIGS,
Quartermaster-General.

VICKSBURG, *March 6, 1864.*

General FORCE, *Commanding:*

I am just up from New Orleans. General McPherson has submitted to me your dispatch as to Judge Sharkey. Tell Judge Sharkey the time has passed for any more half-way measures. Unless he takes the

oath and becomes an active Union man he cannot hold property. We will give his plantation to some one who will not only take the oath, but fight for us. I have done all I can to temporize with men and shall do so no longer.

W. T. SHERMAN,
Major-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 6, 1864.

Surg. A. M. CLARK,
Acting Medical Inspector of Prisoners:
(Care of Brig. Gen. W. W. Orme, Chicago, Ill.)

SIR: Your report of the 1st instant of a further inspection of the Rock Island depot and apprising me of your expected departure for Chicago is received, and I have to-day directed you by telegraph to remain at Chicago till you hear from me by mail. I do not understand from your report exactly the condition of the hospital buildings at the depot. You report that you have six buildings occupied as a pest-hospital and that you have just succeeded in getting all the smallpox cases out of the prison yard. Ten of the prison barracks are occupied for hospital purposes and the sick are doing well. You then add, the prison hospital is well under way and will perhaps be constructed in six weeks. From this it appears that in addition to the six buildings put up to accommodate the smallpox patients, an entirely independent hospital is being built. It seems to me that there has scarcely been economy consulted in this arrangement. On the contrary, it has the appearance of very great extravagance. The extreme necessity for large hospital accommodation which existed on your arrival at Rock Island required prompt and efficient measures to be put in force, but only to meet the emergency, and such measures being taken led to the present state of things which will serve very well till the emergency passes away, and then there will be little absolute necessity for the extensive hospital now in course of construction. Your former report was not very explicit on these points and I did not understand the real character of the work going on. My instructions of the 28th of December, a copy of which I inclose,* urged upon you to consult economy as far as practicable, reminding you that the prison camps were of a temporary character and that all additions and improvements must be confined to such as were absolutely necessary, made so by humane considerations, and all works ordered by you must be such as could readily be met by the prison fund. In order that I may fully understand the hospital arrangements at the depot in use and in progress, I wish you to return there and make me a detailed report of all the buildings so occupied, and what the necessity is for the completion of all the buildings now in progress. It is not desirable that any of the sick but those having contagious diseases should be outside the prison yard, and it was therefore the original design of the prison that certain of the buildings inside should be fitted up as a hospital. The facilities for escaping from a hospital outside the yard are very great and it would necessarily require an inclosure of its own. The question as to the location of the hospital is one of course which should only be decided with the concurrence of the commanding officer, and I presume in this case Colonel Johnson has selected or concurred in the selection of the

* See December 28, 1863, p. 773.

site. In making your report confer with Colonel Johnson so that I may have the advantage of your joint views. Can the work stop where it is and afford accommodations enough for the ordinary wants of the depot with 10,000 prisoners present; and what will be the cost? What will be the cost when completed on the original plan?

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

CHICAGO, ILL., *March 6, 1864.*

Col. W. HOFFMAN,

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I left Rock Island for this place on the evening of the 4th instant. Just before I left Surg. W. Watson, U. S. Volunteers, reported for duty, relieving Assistant-Surgeon Moxley as post surgeon. I repeated to him the instructions which I had previously given to Doctor Moxley. All was going well at the depot. The smallpox was diminishing in virulence. If this continues to be the case, as it certainly should, it will, I think, be perfectly safe to send more prisoners here in about ten days' time. The carpenters promise that the hospital shall be ready for occupation in from fourteen to twenty-four days, according to the rapidity with which lumber is furnished. The frame-work is already partially up. The work of removing the grave-yard has been commenced. I forwarded my report from Rock Island on the 1st instant. On arriving at this place I made inquiry as to the damage done at Camp Douglas by the fire on the 27th of February. I find that no part of the prison proper was injured, excepting that the old chapel building, now used for prison hospital purposes, was somewhat scorched. A row of old garrison barracks on the south line of the east square was the only property destroyed. This shows strongly the necessity of proper provision being made for the extinguishing of fire, which is not at present provided for. The new prison hospital is rapidly approaching completion, and will probably be ready for occupation in about ten days. There is no smallpox at this depot. As the date of my last report was so recent and as there are no material changes to be made in it at present, I defer making a detailed report until my return visit. In view of the difficulty of reaching Nashville from Memphis, Tenn., it being necessary to go around via Cairo, I have somewhat changed my proposed route. I leave here to-night for Nashville, via Louisville, and thence to Memphis. I understand that smallpox is prevalent among the prisoners of war at Nashville. I shall inquire at the office of the provost-marshal at each point for communications from your office.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

HDQRS. CAVALRY, HOLCOMBE LEGION, *March 6, 1864.*

Brigadier-General HUNTON:

GENERAL: I send up four negro soldiers captured by Lieutenant Hume on the advance of the enemy from Williamsburg. In a conversation with General Elzey's assistant adjutant-general some months since in the presence of General E., I think, it was suggested and sanctioned by General E. that the best disposition of such soldiers was

to sell them and give the proceeds to the command capturing them. If such a proceeding is admissible you will allow the guard with the prisoners to proceed with them to Richmond, as they are instructed what to do with them, or you can let the guard go with them to General E. in case you do not feel authorized to act in the matter. I have directed Lieutenant Hume not to report any more such captures to me. I wrote you some days since that I had two men sentenced to hard labor on the public works, and asking you if you had any use for them at Chaffin's farm, or where I should send them. Please answer me on this subject.

Very respectfully, your obedient servant,

W. PINKNEY SHINGLER,
Colonel, &c.

[Indorsement.]

HEADQUARTERS, *Chaffin's Farm, March 6, 1864.*

Respectfully forwarded with the prisoners to Major-General Elzey.

E. B. MONTAGUE,
Colonel, Commanding.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, March 7, 1864.

Major-General HEINTZELMAN, *Columbus, Ohio:*

SIR: The escape of Morgan was caused by a mixed control of the warden and the military power here. Since that time the warden, under the order of Governor Tod, has had the entire charge of the prisoners, having an allotment of four military guards on the walls, two by day and two by night. The prisoners are now confined in a separate wing of the prison from the convicts; have no intercourse with convicts or any one but the guards. Their meals are served to them in the same wing. No visitors or spectators of any kind are admitted to that part of the prison, and no intercourse is permitted with them by any person except the warden or his deputy. Rolls will be filled up at any time.

Very respectfully,

JNO. BROUGH.

WASHINGTON, D. C., *March 7, 1864.*

Maj. Gen. E. A. HITCHCOCK,
Commissioner of Exchange, Washington, D. C.:

GENERAL: I have the honor to inform you that I have just received notice from Maj. Gen. B. F. Butler, commissioner for exchange, of the exchange of Capt. A. W. Metcalf, Fourteenth New York Cavalry, for Captain Stanley, of North Carolina. The exchange of Captain Metcalf for Captain Moody, of the rebel army, now in confinement at Camp Chase, authority for which, from the Secretary of War, was communicated to me in your note of the 17th ultimo, cannot therefore be arranged.

If there was a desire to exchange Captain Moody it will be possible to obtain some other officer for him. I inclose herewith an application for his exchange, action on which was suspended in consequence of the instructions contained in your note.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS FORT WARREN,
Boston Harbor, March 7, 1864.

General E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington, D. C.:

SIR: In answer to your letter of the 4th instant, in reference to letter of Captain Webb to Mr. Mallory, rebel Secretary of the Navy, I have the honor to reply that the casemate occupied by Captain Webb and his officers, twenty-nine in all, is of the same dimensions as those occupied by forty of our own troops. They are comfortable, with as much fire in them as they desire; each officer having a bedstead and bed and blanket to himself, furnished by the Government. The space allotted to all of the prisoners for exercise is about 100 feet by 20, outside and fronting the parade, in which place they are permitted to walk any time between reveille and retreat. Captain Webb writes, "We are informed officially prisoners are not allowed full rations." This is not the case. They have been informed over and over again that the ration allowed them was the old ration of the army, with the exception of two or three articles, and which ration is more than they can possibly eat. There have been complaints made that they have not a sufficiency of bread. On inquiry I find that the bread is so good that some eat more than their allowance, eighteen ounces, and thus may deprive others of their full share. The only reasonable complaint that can possibly be made is in the sink accommodations, which place will accommodate but five at a time, although there is a guard detailed especially for the purpose of conveying them to and from it from reveille until retreat, after which hour they use the police tubs in their quarters. I am having constructed a portable sink, which will be finished shortly, and which I think will obviate the difficulty. I am satisfied that every effort consistent with his duties is made by the officer in charge of them to make them comfortable. I should be glad to have an officer of the Navy sent here to see their condition.

I am, sir, very respectfully, your obedient servant,
STEPHEN CABOT,
Maj. First Batt. Heavy Arty., Massachusetts Vols., Comdg. Post.

OFFICE ACTING ASSISTANT INSPECTOR-GENERAL,
HEADQUARTERS NINETEENTH ARMY CORPS,
Franklin, La., March 7, 1864.

Brig. Gen. CHARLES P. STONE, *Chief of Staff, &c.:*

GENERAL: I have received a communication dated February 25, from Maj. William M. Levy, commissioner, &c., for Major-General Taylor, in which he states that information has been received by General Taylor that about the last of October, 1863, certain soldiers of the Twenty-sixth Regiment Louisiana Infantry, who had been regularly paroled at the capture of Vicksburg by the U. S. forces and were at their homes in the parish of Lafayette, of this State, were arrested by a portion of the command of Major-General Franklin, sent to New Orleans, and lodged in prison, where they are now confined. The names of the men are Sergt. A. D. Landry, Company E; Corpl. Alfred Peck, Company E; Private Jules Duhon, Company E; A. Guidry, Company A; V. Comeau, Company A; Marshal Faber, Company A; all of the Twenty-sixth Louisiana Regiment of Infantry.

Major Levy goes on to say:

These men are represented as having been quietly at their homes awaiting their exchange, and never having violated their parole. If such are the facts, I have to request that they may be released from confinement and returned to their homes.

Major-General Franklin informs me that he has no knowledge of these facts, and that the prisoners named must have been arrested by some of the command of Major-General Ord, then at Vermilionville.

I have the honor to request to be informed what answer I shall return to Major Levy on this subject.

I am, general, very respectfully, your obedient servant,

CHAS. C. DWIGHT,
Commissioner and Acting Assistant Inspector-General.

FORT MONROE, VA., *March 8, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Flag-of-truce boat is in, bringing 48 officers and 600 odd privates delivered for exchange. Richmond papers give account of Dahlgren's death and Cooke's capture. Richmond papers of to-day say that on 6th of March Sherman was at Canton; that he has taken a large number of negroes and leaves the country impoverished. No further news of importance, save that Richmond papers state that the Confederates have ordered all of Kilpatrick's officers that they have captured in irons.

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 8, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: As the exchange of Captain Moody, directed in my letter of the 17th ultimo by authority of the Secretary of War, could not be effected, I have respectfully to request that he be exchanged for some other Federal officer of corresponding rank now on parole. I would respectfully suggest Capt. Joseph O'Keeffe, additional aide-de-camp to Major-General Sherman, who is anxious that he should join him.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 8, 1864.

Maj. Gen. W. T. H. BROOKS,
Comdg. Department of the Monongahela, Pittsburg, Pa.:

GENERAL: By authority of the Secretary of War I inclose herewith a list* of articles which may be sold to prisoners of war in the Allegheny penitentiary by some suitable person to be appointed by yourself, and I respectfully request you will make some arrangement by which such sales can be made. As prisoners of war are not permitted to have money in their possession, the sales will have to be made by the prisoners giving orders on the officer in whose hands their money is deposited, and these orders should be presented for payment at least once a week. The orders for the articles should be given in the

* See inclosure to March 3, p. 1014.

presence of an officer and they should be delivered to the prisoners in the same way. These sales will be made only as far as can be done without detriment to the convenience of the prison or the security of the prisoners, and every precaution should be taken to guard against an abuse of the privilege, either by the person authorized to sell or the prisoners. I do not think it would be advisable for the officials of the penitentiary to have anything to do with this matter.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Maj. Gen. S. P. Heintzelman, headquarters Northern Department, Columbus, Ohio, in regard to Ohio penitentiary.)

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 8, 1864.

Brig. Gen. G. MARSTON,
Comdg. Depot Prisoners of War, Point Lookout, Md.:

GENERAL: A letter has been written by General Jeff. Thompson to General Terry, commanding at Sandusky, complaining that a large amount of baggage was stolen from the prisoners recently transferred from Johnson's Island to Point Lookout by the guard which accompanied them. Will you please inform me what complaints were made on the subject by the prisoners, and what evidence was offered to show that "the trunks, valises, and other baggage of the Port Hudson prisoners reached Point Lookout almost entirely rifled of their contents and several of the trunks and valises are missing." Please ascertain, if possible, what was the condition of the baggage when it was transferred from the boat at Baltimore, and when and to whom the robbery was first reported. Your immediate attention is requested to these inquiries.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

DALTON, *March 9, 1864.*

Maj. Gen. U. S. GRANT,
Commanding Military Division of the Mississippi:

GENERAL: I have had the honor to receive your letter of the 26th ultimo, and on inquiry have learned that J. T. Stancel and Jesse Grear, claiming to belong to the Third West Tennessee Cavalry, U. S. service, are now confined in Atlanta. The former is charged with "violating his parole," probably without foundation; the latter with "desertion to the enemy." There can be no conviction of this offense without full proof that the accused was a Confederate soldier. Robert Waits, also charged with deserting to the enemy, has escaped. As you justly believe that I am "disposed to be governed by the laws of war, justice, and humanity," I need not assure you that no prisoner in my power will suffer contrary to those laws.

Most respectfully, your obedient servant,

J. E. JOHNSTON,
General, C. S. Army.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 9, 1864.

Col. WILLIAM WEER,
Commanding Military Prison, Alton, Ill.:

COLONEL: In reply to your letter of the 1st instant I have the honor to inform you that the general commanding the department has the authority to mitigate or remit the sentence of any prisoner tried by a court-martial or military commission ordered from his headquarters; but if the prisoner is a prisoner of war, as is the case with Captain Frost, he remains so still and is subject to the same treatment as other prisoners of war. Your letter of the 1st instant in reference to improvements directed by Surgeon Clark has been received, and in reply I have to direct that no improvements except such as can be made at a trifling expense be made until the necessity is reported, with an estimate of the cost submitted for my approval. Land cannot be purchased for a grave-yard, but it may be rented. Report under what terms the ground now occupied is held and on what terms additional ground can be rented.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 9, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: I have the honor to inform you that the arrangement made by you for the delivery of supplies to prisoners of war by their friends is approved by the Secretary of War. The articles to be delivered will not be limited to specific articles, but will be determined by question of necessity, it being an object to give the rebel authorities no excuse for withholding supplies sent to our own people in rebel prisons.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 9, 1864.

Brig. Gen. M. C. MEIGS,
Quartermaster-General U. S. Army, Washington, D. C.:

GENERAL: I beg leave to call your attention to the character of the transportation furnished to transport prisoners of war from Johnson's Island to Baltimore in the early part of February and the time taken to perform the journey. By your instructions of the 5th of January passenger cars were to be furnished. They were to be well supplied with water and lights, and the time was to be not over forty-eight hours. The officer in charge of the party reports that at Pittsburg they were put on freight cars which were inadequately supplied with water and lights, and that the rate of travel was from eight and a half to seventeen miles per hour. He does not report the time of arrival at Baltimore, but as they did not leave there till the morning of the 13th,

having left Sandusky on the 10th of February, they were probably some twenty hours behind time. The commander of the guard reports that the transporting of the prisoners in the freight cars and the slow rate of travel gave them great facilities for making their escape, which a number availed themselves of. Having no means of communicating with the engineer it was impossible for him to stop the train when escapes were made. I report these facts in order that if the contract by the railroad company was not complied with it may be made to forfeit some part or all of their compensation, or if the transportation was not properly provided such steps may be taken as you may judge proper.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OHIO PENITENTIARY, *Columbus, March 9, 1864.*

Col. WILLIAM HOFFMAN, U. S. Army,

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I would respectfully ask that the prisoners of war confined here be permitted to purchase, by consent of the warden, such articles of diet, fruit, &c., as may, in the judgment of the surgeon, be necessary to preserve our perfect sanitary condition. At present our purchases are limited to stationery, tobacco, pipes, &c. I make this application the more confidently having understood that similar privileges are enjoyed by those confined elsewhere, both North and South.

I am, colonel, very respectfully, your obedient servant,

W. W. WARD,

Colonel, C. S. Army.

GENERAL ORDERS, No. 5.

HEADQUARTERS CAMP SUMTER, *Andersonville, March 9, 1864.*

Until further orders Capt. R. B. Winder, assistant quartermaster, is ordered to detail from the prisoners of Camp Winder, upon his own orders, such men as he may require to work upon the different buildings at the post. All orders issued previously regarding detail of prisoners are hereby revoked.

A. W. PERSONS,

Colonel, Commanding.

Per JAS. C. SELLMAN, JR.,

Acting Adjutant.

WAR DEPARTMENT,

Washington City, March 10, 1864—3.45 p. m.

Maj. Gen. B. F. BUTLER, *Fort Monroe:*

You will please furnish to me a report of the number of prisoners delivered by you to the enemy for exchange since you entered upon your present command, with the respective dates of delivery, designating the names and rank of the commissioned and non-commissioned officers and the the names of the privates. Upon receiving the rolls, with this designation, Colonel Hoffman, Commissary-General of Prisoners, will be ordered to designate the like number of our officers and

men who may be declared exchanged. Those to be declared exchanged will be taken from those who have been longest on parole. This is the mode in which declarations of exchange under present circumstances should be made.

EDWIN M. STANTON,
Secretary of War.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 10, 1864.

Col. WILLIAM P. RICHARDSON,
Commanding Camp Chase, Columbus, Ohio:

COLONEL: Your letter of the 13th instant requesting authority to permit the prisoners at Camp Chase to purchase religious reading matter has been laid before the Secretary of War, by whom it has been approved. You will therefore permit such purchases to be made, being careful that the permission is in no way abused.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

JUDGE-ADVOCATE-GENERAL'S OFFICE, *March 11, 1864.*

The PRESIDENT:

The within named Frank Gurley was tried by a military commission upon the charge of murder:

Specification.—In this, that the said Frank Gurley, not being lawfully in the service of the so-called Confederate States, but being banded together with certain other citizens for the purpose of killing, robbing, and plundering Federal soldiers and loyal citizens of the United States, did feloniously shoot with a revolving pistol and kill Brig. Gen. Robert L. McCook, an officer in the service of the United States, without any provocation whatever, and while the said Brig. Gen. Robert L. McCook was lying sick and helpless in an ambulance. All this in the vicinity of the town of New Market, Madison County, Ala., and on or about the 5th day of August, 1862; all this in time of war.

The court rendered a verdict of guilty as charged and pronounced a sentence of death by hanging. General Thomas, who ordered the court, approved the proceedings and findings and sentence, but suspended execution, and "on account of the peculiar circumstances and excitement under which the crime was committed, together with the previous and subsequent good character of the prisoner, as proved in evidence," respectfully recommends commutation to "confinement in a penitentiary for five years." The proof of the killing is undisputed.

On the 5th day of August, 1862, while sick and riding in an ambulance, about two miles in advance of his brigade, with an escort of nine men, General McCook was attacked by a party about 100 strong. When the attacking party was discovered the ambulance was turned about and the horses put to full speed in order to reach his brigade, which was supposed to be only half a mile to the rear. The escort immediately ran away, leaving the general with no attendant but Captain Brooke, who was riding in the ambulance with him. During the flight the cover of the ambulance was torn off by accident, leaving the cot, with the sick man upon it, clearly exposed to view. After going about three-quarters of a mile, finding escape impossible,

Gurley being within a short distance and having commenced firing at them, the driver of the ambulance was directed to stop, and to do this at once he drove the horses against a bank of the roadside. Gurley was in advance of his men, and just before coming in sight of the ambulance he fired at a sutler named Aug, who though not wounded fell from his horse, and the accused cried out to his followers, "There he lays; kill him;" and rode on at a rapid rate. When within about 100 feet of the ambulance he fired a shot which went wide of the mark. This was followed by another which perforated the coat of Captain Brooke, and when within about twenty-five feet of the ambulance he fired a third which struck General McCook and caused his death. Without stopping his horse the prisoner galloped on and was lost to view. That night Captain Brooke, who was taken prisoner, saw Gurley when he came into the rebel camp and recognized him as the man who killed General McCook. Gurley admitted that he shot the man in the ambulance, but without knowing who it was at the time, and said he shot him because he did not halt when ordered, and that he would do the same thing again. Captain Brooke testified that he heard no order to halt, the only words that reached his ear being something about "Yankee sons of bitches." It was fully established that on the day he killed General McCook, Gurley and the men under him were dressed in citizens' clothes. As to the character of the organziation, Captain Brooke testifies that during the twelve days while he was a prisoner in their hands he saw men join this band of rangers, and the only form of enlistment he observed was that men would be told "go and get your gun and come along." He also states that men would leave camp at night and go, as he supposed, to their homes, returning in the morning, and that in a conversation with the accused and another rebel officer, Captain Hambrick, the latter remarked that Gurley and the men under him received no pay, subsisted themselves, and reported to no one, and the accused expressed no dissent from this statement.

On the part of the defense it was proved that the accused enlisted in September, 1861, in a regiment of cavalry known as Kelley Troopers, and that in May, 1862, his name was dropped from the rolls, and he was accounted for as promoted to captain. It appears by General Rousseau's testimony that some time previous to the date when General McCook was killed he took some of Gurley's men prisoners and regarded them as guerrillas, and that their friends furnished him with a paper purporting to be an order from the rebel General Kirby Smith appointing Gurley a captain, and authorizing him to recruit a company of partisan rangers, which order General Rousseau believed to be genuine; and being told by very good people that Gurley's men were not guerrillas, he allowed them to take the oath and be discharged, and his action was sanctioned by General Buell. A Mr. Gentry, who was a member of the rebel Congress in 1862, testified that a law was passed in April of that year authorizing the organization of bands of partisan rangers, the officers to be appointed by the President and the men to receive the same pay and allowances as other soldiers in the rebel service, and in addition be paid the full value of any arms and munitions of war they captured and turned over to quartermasters. The law will be found set forth in full in the printed copy of the argument of the prisoner's counsel. Lieutenant King, a rebel officer belonging to the Fourth Alabama Regiment, to which the accused with his company was attached in November, 1862, stated that Gurley drew pay as a captain from the 20th of May, 1862, and that his men were formally enlisted into the service; but his testimony appears to be based on

hearsay and is not conclusive. He also stated that it was frequently the case that officers and men of the rebel army were not provided with uniforms, but dressed in civilians' clothing. It was claimed by the defense that sufficient evidence was adduced to show that the prisoner had regularly enlisted in the rebel army; was made a captain; that he was carrying on lawful warfare, and was entitled to be treated as a prisoner of war. It was also claimed that in the excitement of the moment the prisoner, riding at full speed, fired his shots in quick succession without observing the condition of the men in the ambulance, and without discovering the indications of surrender, if indeed such were made before the fatal shot was fired, and therefore his act should be regarded as without criminality.

As to the military status of the prisoner it is observed that he was not a soldier when he shot General McCook, for his name was dropped from the rolls of his company three months before. He was not an officer under the partisan ranger act, for that act expressly provided that the officers should be appointed by the so-called President of the rebel Confederacy. Kirby Smith's order was the only commission claimed to have been received, and it was not shown that this was issued in conformity with law, or in any way authorized by the rebel Government. In view of these facts it may be held that Gurley was engaging in hostilities without commission from the rebel Government; without lawful authority, and without belonging to any organized force armed and uniformed as soldiers. The laws of war treat such men as entitled to no privileges as prisoners of war, but as liable to be dealt with according to the circumstances of the case. It is laid down in the Code of Instructions for the Government of Armies of the United States in the Field, adopted by the President, and published in General Orders, No. 100, April 24, 1863, that men who commit hostilities, whether by fighting or inroads for destruction and plunder, without commission, without being a part and portion of the organized hostile army, and without sharing continuously in the war, but with intermitting returns to their homes, or with the occasional assumption of the character of peaceful pursuits, divesting themselves of the character or appearance of soldiers, are not public enemies, and may be treated summarily as robbers or pirates. The customary law of Europe, as set forth in First Kent's Commentaries, page 94, is that in a state of war, when subjects of one nation are in a state of hostility with those of the other, they cannot engage in offensive hostilities without the express permission of their sovereign; and if they have not a regular commission as evidence of that consent, they run the hazard of being treated by their enemies as lawless banditti, not entitled to the protection of the mitigated rules of modern warfare. Governed by these laws, it certainly seems that Gurley may properly be held as a citizen, banded with other citizens for the purpose of robbing, plundering, and killing Federal soldiers and loyal citizens as alleged in the specification. But waiving the question as to whether Gurley was a soldier or officer, or not, there still remains sufficient proof of criminality in his killing of General McCook to warrant the finding and justify the sentence pronounced by the court. The law applicable to the case is laid down in Halleck's International Law, page 426, section 2. Referring to general rights of war as to enemy's person, and to the limitation of the right to take life, it is held that—

* * * While we may lawfully kill those who are actually in arms and continue to resist, we may not take the lives of those who are not in arms, or who, being in arms, cease their resistance and surrender themselves into our power.

General McCook was unarmed; the wagon in which he was riding was fast against a bank by the roadside; he had just risen from the bed on which he was being transported, and with nothing on him but his shirt and drawers, stood with his hands raised above his head in the full view of the prisoner when he fired the shot which caused the death. What more emphatic and obvious signal of an utterly defenseless and helpless condition and of unqualified surrender could be made? The claim that the prisoner did not discover these signals and did not know that General McCook had surrendered probably received the due consideration of the court. There was no evidence which supports or admits this claim. The spirit which possessed Gurley and which actuated him on that day is shown by the testimony of the man Aug and Captain Brooke. Aug swears that after firing at him and seeing him lying on the ground, he cried out to his followers, "There he lies; kill him," and rode on at a rapid rate. A few hundred feet in advance of Aug was General McCook, in his ambulance, standing up as described, and Captain Brooke testifies that he heard no order to halt, but heard something about "Yankee sons of bitches;" and Gurley, after having fired three shots, the last being the fatal one, passed by at full speed without stopping to learn who he had shot or who had surrendered.

The conclusion is unavoidable that Gurley had no thought of capturing prisoners, but was determined on nothing less than taking life. General Thomas, in his indorsement recommending mitigation on account of the peculiar circumstances of the case and the previous subsequent good character of Gurley, does not express an opinion that the act was justified, but seemed to regard it as extenuated. The proof of general good character consists in the expressed opinions of men who were acquainted with Gurley and believed him to possess an amiable disposition and capable of doing kindness to those opposed to him. Such testimonials are without weight in a case of this character. If the killing of General McCook was justifiable, Gurley should not be punished. If it was unlawful, he not having been punished by his own authorities before his capture, according to the well-established laws of war, remains answerable for his crime and should suffer the full penalty provided in such cases. The law upon this point is stated in paragraph 59, General Orders, No. 100, dated April 24, 1863, in these words:

> A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

The court had all the facts submitted for their consideration, and the law was fully and ably discussed by the counsel for the prisoner and the judge-advocate. It was decided that the crime was murder, and that the death penalty was merited, and no reasons are presented by a review of the trial why the judgment of the court should not be confirmed. Transmitted with the record are several letters purporting to be from rebel officers, forwarded to Major-General Grant, which will be found inclosed herewith. They are as follows: First, a letter from a person who signs himself Lieutenant-Colonel Hambrick, in which it is stated that Gurley was authorized by Kirby Smith to raise a company to operate in the vicinity of Madison County, Ala., and that on the occasion of General McCook's death he had reported to him (Hambrick), and was with him when General McCook's party was attacked, and that a volley was fired because he (General McCook) would not halt when ordered; that he had not surrendered when shot, and that he (Hambrick) and Gurley did not know the man riding in the ambulance.

Second, a letter signed W. J. Hardee, lieutenant-general commanding, in which it is stated that Gurley was an officer under the command of Captain Hambrick when General McCook was shot, and that Hambrick directed the firing under which General McCook fell, and that when shot he had refused to surrender and was endeavoring to escape. It was also stated that all this could be proved, and it was requested that this letter be submitted to the court. Third, a communication signed N. B. Forrest, brigadier-general commanding, in which it is stated that Gurley was regularly enlisted into the rebel service in July, 1861, and was afterward authorized to raise a company of cavalry, which he did, and reported to Forrest in July, 1862, when his company was inspected and mustered into service by his (Forrest's) order, and that in November following Gurley's company was consolidated with others and made the Fourth Alabama Cavalry. After stating that such were the facts, the hope was expressed that the communication might be received in the same spirit with which it was written, and that it would lead to Gurley's being treated as a prisoner of war, and not as a guerrilla or robber. It was also stated that the writer did not desire and would not, so far as he was concerned, permit warfare to be carried on except according to the rules observed among civilized nations. These letters, coming as they do from traitors in arms against the Government, being unfortified by the sanction of an oath, and intended to rescue from impending punishment a traitor equally guilty with their writers, are not held by this office as entitled to the slightest consideration, unless so far as corroborated by the testimony of loyal witnesses or competent proof from unquestionable sources. These letters are not referred to in the body of the record, and it is not supposed that the court gave to them any credit whatever. So far as regards the military status of the accused, they are corroborated by other evidence adduced by the defense, but as to the circumstances attending the killing of General McCook their statements are contradicted by the testimony of Captain Brooke and the witness Aug, and are unquestionably false. Believing the prisoner to be a cowardly murderer in the fullest acceptation of the term, and that the fact that when captured he was in the rebel military service presents no legal obstacle to his punishment, even had he been regularly in such service at the time of the commission of the crime, which he was not, it is recommended that the sentence be carried into execution.

J. HOLT,
Judge-Advocate-General.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 11, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I wish you would send to me at Point Lookout what privates, prisoners of war, there are at Fort Delaware, and from other points, so that we may not have to bring them, in case the exchange comes on, as I believe it will. If it does we shall want them at the rate of 2,000 per week.

That would press transportation. We can accommodate 20,000 as well as any other number at Point Lookout. We want them there time enough to have the four questions directed by the President put to each one of them, copies of which I inclose.* Every prisoner at

*See p. 823.

Point Lookout has recorded his name under one of the four questions. I have nearly a regiment recruited. I can get more when I get more prisoners. I will be prepared to receive prisoners at any point where there is steamboat navigation, upon being notified.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 11, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please send for our officers from distant points, Texas and elsewhere. I hear complaints that none but officers from Richmond can be exchanged, which embarrasses our action.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 11, 1864.

Hon. ROBERT OULD,
Commissioner for Exchange, Richmond, Va.:

SIR: I see by a Richmond paper, a copy of which I send for your information, that the officers who accompanied General Kilpatrick in his late expedition and were captured by your forces, have been confined in irons.

To such a report I give little credence, and before I take any action in relation to it I desire an authoritative confirmation from yourself.

I call you to witness that since I have had charge of the matter of exchange and treatment of prisoners I have endeavored that all things should be conducted, in this regard, upon the most humane principles of civilized warfare. I therefore shall not be considered by you as making a threat when I announce the determination of my Government to return the promptest and severest retaliation for the treatment of those officers, if I learn this report is possibly true.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,

Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 11, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to request that the body of Col. Ulric Dahlgren, late of the U. S. Army, which we learn is buried in Richmond, be permitted to be forwarded by flag-of-truce boat, to be delivered to his afflicted father, who is waiting here to receive it.

As remains of officers have been forwarded to their friends in this manner I trust this request may be granted; specially so, because I see by the Richmond papers that some circumstances of indignity and outrage accompanied the death. You do not war upon the dead as these papers would imply, and would it not be desirable to prevent all supposition that your authorities countenance such acts by delivering the remains to the bereaved family? Major Mulford is empowered to defray any expense that may attend the remains.

Respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 11, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: In reply to your communication of January 7, relative to the case of William H. Tilson, I have the honor to inform you that this man was sent to Camp Parole, Annapolis, on the 1st instant.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 11, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities make a special exchange of Mr. A. D. Richardson, correspondent of the New York Tribune, for James P. Hambleton, of Atlanta, Ga., a prisoner in Fort Warren?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 11, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please give me any information you may have concerning William Henry Tindall, a native of Ireland? When last heard from, in April, 1862, he had left Mrs. John Anderson's place, Clarksville, Red River County, Tex., with the intention of returning to Ireland.

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 11, 1864.

Brig. Gen. H. D. TERRY,
Commanding U. S. Forces, Sandusky, Ohio:

GENERAL: By authority of the Secretary of War I have respectfully to inform you that boxes containing nothing hurtful or contraband, sent to prisoners of war by their families or friends, may be delivered, and I request this permission may be put in force at Johnson's Island. Any uniform clothing or equipments of any kind for military service, weapons of all kinds and intoxicating liquors are among contraband articles. Any excess of clothing over what is required for immediate use is contraband.

I am, general, very respectfully, your obedient servant,
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

(Same to Brig. Gen. G. Marston, commanding Depot Prisoners of War, Point Lookout, Md.; Brig. Gen. A. Schoepf, commanding Fort Delaware, Del.; Col. A. J. Johnson, commanding Depot Prisoners of War, Rock Island; Col. William Weer, commanding Military Prison, Alton, Ill.; Col. A. A. Stevens, commanding Camp Morton, Indianapolis, Ind.; Col. W. P. Richardson, commanding Camp Chase, Columbus, Ohio; Lieut. Col. M. Burke, commanding Fort Lafayette, New York Harbor; Col. P. A. Porter, commanding Fort McHenry, Baltimore, Md.; Brig. Gen. W. W. Orme, commanding Camp Douglas, Ill.; Maj. Stephen Cabot, commanding Fort Warren, Boston Harbor, Mass.; Capt. S. E. Jones, provost-marshal, Louisville, Ky., and Col. J. P. Sanderson, provost-marshal-general, Department of the Missouri, Saint Louis, Mo.)

FORT DELAWARE, *March 11, 1864.*

Brig. Gen. A. SCHOEPF,
Commanding U. S. Forces, Fort Delaware, Del.:

GENERAL: I have the honor to inclose you a letter from Hon. E. M. Bruce, member of Congress from Kentucky, received by me this day, in which he states that arrangements have been made to effect a special exchange for myself, and that if I am sent to City Point a Federal officer of equal rank, provided there be no special reasons against his exchange, may be selected by the Federal authorities from the prisoners at Richmond. I will be greatly obliged, general, if you will call the attention of the proper officer of your Government to this proposition, that I may be allowed to proceed to City Point in accordance with it.

Respectfully, your obedient servant,
BASIL W. DUKE,
Colonel, C. S. Army, Prisoner of War.

[First indorsement.]

FORT DELAWARE, *March 11, 1864.*

Respectfully referred to Colonel Hoffman.
A. SCHOEPF,
Brigadier-General.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, March 16, 1864.

Respectfully submitted to the Secretary of War.
W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Third indorsement.]

WAR DEPARTMENT, *March 17, 1864.*

Respectfully referred to the commissioner for the exchange of prisoners for remark.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Fourth indorsement.]

WASHINGTON, *March 19, 1864.*

I am of opinion that Basil Duke has no claims to be especially selected for exchange while we have so many rebel prisoners in our possession who were captured before him.

E. A. HITCHCOCK,
Major-General of Volunteers.

[Inclosure.]

RICHMOND, *February 26, 1864.*

Col. B. W. DUKE,
Prisoner of War, Camp Chase, Columbus, Ohio:

MY DEAR COLONEL: I have just received and read your letter to General Morgan by last flag-of-truce boat, and in return am authorized to say that if the Federal authorities will send you to City Point an officer of equal rank will be returned, they to indicate the one delivered unless there are special reasons against such exchange. I hope this will consummate your exchange, for which I have never ceased to work; am also striving for Colonel Morgan's exchange, as we learn he is in bad health. Your family all very well. Love to all the boys and believe me,

Very faithfully, your friend,

E. M. BRUCE.

HDQRS. DEPARTMENT OF THE CUMBERLAND,
OFFICE PROVOST-MARSHAL-GENERAL,
Nashville, Tenn., March 11, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your telegram of the 9th instant instructing me to order no buildings or other improvements without your approval first. I have also acknowledged its receipt by telegraph on the 10th instant. Your instructions shall be obeyed. I have also the honor to report that I arrived at this place on the 9th instant, and am now engaged in inspecting the penitentiary and hospitals occupied by prisoners of war, a detailed report of which will be forwarded without delay. I do not find the smallpox to be as prevalent among the prisoners of war at this place as I had been led to expect. I shall probably be able to leave here for Memphis, Tenn., on the 13th instant. My report from Chicago was forwarded to your office from that place on the 6th instant.

Very respectfully, your obedient servant.

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

SPECIAL ORDERS, No. 59. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 11, 1864.*

* * * * * * *

XXI. General G. T. Beauregard and Maj. Gen. G. E. Pickett will cause the officers of their respective departments who have had command of guards in charge of prisoners being sent to Camp Sumter to make an immediate report to this office, stating the number of prisoners they received, the number escaped, the number died, the number of sick left on the road; also stating in each case of escape, death, or sickness, the name, company, regiment, and State, and when and where the occurrence took place, and to order hereafter a report as above immediately after the transfer of the prisoners from the charge of the officer.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

Thos. P. Turner, calling attention to the abuse of the privilege of sending private packages to Federal prisoners.*

[Indorsement.]

MARCH 11, 1864.

Respectfully returned to Honorable Secretary of War.

This matter was brought to my notice some time ago and I informed the Federal authorities that whenever a box contained any contraband article, or when any false pretense was used, the entire contents would be forfeited. I gave the same instructions to the officers in Richmond in charge of the boxes. I think this notice and regulation will cure the evil.

[RO. OULD,
Agent of Exchange.]

WAR DEPARTMENT, *Washington City, March 12, 1864.*

Major-General BUTLER, *Fort Monroe:*

Your attention is requested to the articles in the National Intelligencer of this week taken from Richmond papers in relation to exchanges of prisoners. Do they exchange man for man, or only pro rata?

EDWIN M. STANTON,
Secretary of War.

PRIVATE.] FORT MONROE, VA., *March 12, 1864—3 p. m.*

Hon. EDWIN M. STANTON, *Secretary of War:*

Please do not believe what you see in the papers. I would exchange pro rata if I could not do otherwise, but am not doing so. Let me ask that no person see this but yourself. If it gets in the papers it will work injury, and I am informed that General Hitchcock told the

* Turner's communication not found.

Tribune correspondent about the proposed exchange. Nobody has seen this telegram but the operator.

BENJ. F. BUTLER,
Major-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 12, 1864.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: I have the honor to inclose herewith some extracts from a report made by Medical Inspector Johnson to the Medical Inspector-General of the Army, of his inspection of the prison and hospital at Fort Delaware. Colonel Johnson mentions several matters where changes may be made to advantage, which I beg to call your attention to, feeling assured that nothing more is necessary to bring about all proper and practicable reforms. The ration of coffee may with propriety be increased, and such vegetables may be purchased as you may deem necessary.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Inclosure.]

MEDICAL INSPECTOR-GENERAL'S OFFICE,
Washington, D. C., March 8, 1864.

COMMANDING GENERAL, *Fort Delaware:*

(Through Colonel Hoffman, Commissary-General of Prisoners.)

SIR: The following extracts are from the general report of Medical-Inspector Johnson in relation to the post hospital and prison at Fort Delaware, dated February 29, 1864:

A special report upon the post hospital at Fort Delaware accompanies this. In that are given separately the mortuary statistics for the prisoners of war and for the garrison at that post from the 1st of November, 1863, to the 1st of February, 1864. For that period of three months we have these results.

Prisoners of war.—Mean strength, 2,747; average number taken sick each month, 856; average number daily sick, 611; mean average rate of daily sickness, $22\frac{2}{10}$ per cent. Total deaths in three months, 311; average number of deaths in each month, $103\frac{8}{3}$, being at the rate of $452\frac{8}{10}$ deaths per annum for 1,000 of strength. A large percentage of the mortality it will be noted was from smallpox, namely, 112 deaths in three months. The principal diseases were as follows:

Disease.	Number of cases in three months.	Number of deaths in three months.
Scurvy	365	15
Smallpox	226	112
Varioloid	136	.....
Typhoid fever	18	12
Typho-malarial fever	185	9
Malarial fever	189	.....
Diarrhea, acute and chronic	169	60
Dysentery, acute and chronic	62	10
Erysipelas	91	11
Pneumonia	91	45

Garrison—Mean strength, 1,068; average number taken sick in each month, 163¼; average number daily sick, 44; mean average rate of daily sickness, 4 1/10 per cent; total deaths in three months, 14; average number of deaths in each month, 4⅔, being at the rate of 52 1/10 deaths per annum for 1,000 of strength. The principal diseases of the garrison were as follows:

Disease.	Number of cases in three months.	Number of deaths in three months.
Scurvy	3	.....
Smallpox	28	8
Varioloid	8	.....
Typho-malarial fever	27	.....
Typhoid fever	3	1
Malarial fever	27	.....
Diarrhea, acute and chronic	35	1
Erysipelas	16	.....
Pleuritis	14	.....
Bronchitis, acute	38	.....

Fort Delaware, which I visited on the 10th instant, stands on an island in Delaware River. The island has an area of about seventy-five acres. Its surface is flat and below the level of high and tide waters. A dike surrounds it and prevents overflow. The formation is alluvial, or more strictly fluvial, and like most deposits of this character is miasmatic. The soil is humid and the subsoil in a state of saturation, water standing in excavations eighteen inches below the surface. Drainage is of course out of the question. The water, however, which usually stands in the drains a few inches below the surface, flows out at ebb tide. The island is well exposed to sun and air, but the winds which come to it in autumn and winter are from passing over the surrounding water apt to be damp and chilly. The prisoners of war are in barracks outside the fort. The barracks are T-shaped and single storied. The long part of each is 475 feet long, 24 feet wide, and has an average height of 16 feet. It has 19 turret and latticed ventilators, 3 doors, 28 windows on one side and 31 on the other. It has 4 stoves. The transverse part is 173 feet long and 24 feet wide. It has 7 ventilators, 10 windows on each side, and 2 stoves. The two parts form one common quarter, there being no partition between them. Bunks range one above another round both sides. The floors are in some instances loose, so that the reek of the wet earth beneath may find its way into the barracks.

At the time of my visit 1,505 men were in one of these barracks, so that each man had about 176 cubic feet of space. The barracks were at that time damp and not comfortably warm, and I suspect they have been so a part of the time during the winter. The police of these, as well as of the grounds, was in moderate condition only. Of the privies, which stand over the river, a similar remark may be made. Some, perhaps a large majority, were comfortably clad. Some had a moderate and still others an insufficient supply of clothing. The garments of a few were ragged and filthy. Each man had one blanket, but I observed no other bedding nor straw. Nearly all the men show a marked neglect of personal cleanliness. Some of them seem vigorous and well, many look only moderately well, while a considerable number have an unhealthy, a cachectic appearance.

To the prisoners of war, averaging 2,747 in number, there were issued in January, according to statements furnished me, the following provisions: 12,789¾ pounds of salt pork, 3,315 pounds of bacon, 8,291¼ pounds of salt beef, 48,675 pounds of fresh beef, 74,734 pounds of flour, 15,867½ pounds of corn-meal, 4,215¾ pounds of beans, 3,894 pounds of rice, 4,624½ pounds of coffee, 9,386½ pounds of sugar, 670 gallons of vinegar, 838 pounds of candles, 2,681 pounds of soap, 2,514 pounds of salt, 167½ pounds of pepper, 20,113 pounds of potatoes, 167 gallons of molasses.

Purchased 19 barrels of onions, 150 bushels of potatoes Reduced to different form these figures show very nearly that coffee was issued of 5 pounds 9 9/10 ounces daily for every 100 men, being 2 pounds 6 1/10 ounces less daily than the regular ration. Of bread (made of seven parts of flour and two of meal) 18 ounces were issued daily to each man. Sugar is issued at the rate of about 11 pounds daily for 100 men, being 4 pounds daily less than the full ration. Of fresh beef each man gets 18 pounds 5 3/10 ounces during thirty-one days, or 9½ ounces daily. Of salt meat, including pork, bacon, and salt beef, each man gets 9 pounds 3 ounces during thirty-one days, or

$4\frac{7}{10}$ ounces daily. Potatoes—Of these each man gets 10 pounds $15\frac{4}{10}$ ounces per month, or $5\frac{6}{10}$ ounces daily. Onions—Of these a fraction more than 1 pound per month to each man was issued. Beans—Of these 1 pound 9 ounces were issued during thirty-one days to each man, or $\frac{25}{31}$ of 1 ounce daily. It should be added that cucumber pickles were also issued to and used by the men during the month, but to what extent I do not know.

We have seen that a high sick rate and special types of disease prevailed amongst these men. Those of a variolous character had of course a specific origin Neither the scurvy, of which there were 365 cases, nor the adynamic fevers, nor the erysipelas, nor the other kindred disorders depended, it is clear, on any one cause, but rather on several concurrent causes and influences. It should be remembered that these men were not in full health when received upon the island. From previous hard service and short rations their general condition was considerably below the par of health. Besides, captivity itself has a depressing effect. With it are associated nostalgia, disappointment, anxiety, a listless, monotonous life, absence of discipline and of regular exercise and occupation, all of which are lowering and disease inviting influences. Looking for the more proximate causes we find, first, that the island on which the men are quartered is low, damp, and to some extent miasmatic; second, that 1,505 men are congregated in one common barrack with insufficient space, thus engendering crowd poison with its evils; third, that the temperature of the quarters is too low. This cause, combined with humidity, particularly encourages scurvy and other cachectic troubles; fourth, the diet may, I suppose, be considered fair, both as to quantity and quality. Under favorable or ordinary circumstances it probably would not have led to scurvy, but in this case, considering the other distempering influences, the diet, I apprehend, has not been quite sufficient in quantity, nor composed quite largely enough of vegetables. These facts and views suggest at once the proper preventive and sanitary measures, and these, which I respectfully recommend, are as follows: First. That during the continuance of cold weather the quarters be kept comfortably warm; those men, few in number, who have insufficient clothing should be sought out and clad. Second. The congregation of so many men in one barrack should be avoided. The 1,505 men now thus together should be put into at least two barracks; there is no difficulty in doing this since there are several unoccupied buildings. They were thus concentrated in order to economize fuel, but this motive should not outweigh sanitary considerations. Third. Ventilation of quarters and policing of quarters and grounds should be carefully attended to. While there is at present no marked neglect of policing, yet too much care cannot be given to it. Fourth. The diet needs to be improved. The present issue of bread I regard as sufficient, but the coffee should be for the present, and until further health shall prevail, increased to the full ration, perhaps also a small increase in the meat ration would be desirable; but the quality of vegetables especially should be increased particularly of good, sound potatoes and onions. The proper extent of this increase can only be determined by careful observation on the spot, but I think the two articles last named should be at first increased 33 per cent. The mode of cooking and serving these vegetables deserves also attention. At present I believe they are all put into soup. If some of them were well cooked and eaten solid advantage would result.

The accumulated savings from the ration, amounting, I think, on the 1st of February to $23,000, afford abundant means for the proposed increase.

* * * * * * *

Very respectfully, your obedient servant,

G. K. JOHNSON,
Medical Inspector, U. S. Army.

[JOSEPH K. BARNES,
Medical Inspector-General of the Army.]

HEADQUARTERS DEPARTMENT OF HENRICO,
March 12, 1864.

General S. COOPER, *Adjutant and Inspector General C. S. Army:*

GENERAL: I have the honor herewith to return my communication of the 2d instant containing Special Orders, No. 49, with your indorsement of the 7th instant thereon. In reply thereto I would respectfully suggest that my object seems to be misunderstood. I do not raise a question, but the order for Camp Sumter simply directs Colonel Persons to take command without designating to whom he shall report.

The indorsement of the Secretary of War settles that case. The commanding officer of the post at Danville is under the command of General Elzey, and it is rather a delicate matter for me to issue orders to operate upon an officer in General Elzey's command. I wish to be understood as having no disposition to raise a question. My object is solely to avoid that very thing.

Very respectfully, your obedient servant,

JNO. H. WINDER,
Brigadier-General.

[Inclosure No. 1.]

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, March 2, 1864.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: I have the honor to request that my position in connection with the prisons at Danville, Va., and Andersonville, Ga., may be defined. I have the honor to inclose Special Orders, No. 49, February 29, 1864. This order places Colonel Persons in command of the post and does not direct him to report to me. This places him beyond my control. The letter of the Adjutant and Inspector General to Colonel Withers directing Captain McCoy to obey the orders of Colonel Withers operates in like manner at Danville. I do not wish to be understood as complaining, for I have no complaint to make. If it is the wish of the Department to relieve me of the command of those prisons I offer no objections. I simply wish to know how I stand in relation to them, for it would be embarrassing for me to issue orders when I had no right to do so, and it would be just as embarrassing for me to neglect to issue orders when I ought to do so.

Respectfully,

JNO. H. WINDER,
Brigadier-General.

[First indorsement.]

MARCH 2, 1864.

ADJUTANT-GENERAL:

What is the best solution of this tangle, which seems to me unnecessary? There was no purpose to take the command in connection with the charge of prisoners from General Winder, yet he must have subordinates, and they, it strikes me, must, in many matters, be subordinate to the commander of the post where the prisoners are.

J. A. SEDDON,
Secretary.

[Second indorsement.]

MARCH 7, 1864.

Respectfully submitted to Secretary of War.

I can see no necessity for raising a question of difficulty in this case. The commander of a military post is according to all military rule and practice the commander of everything which appertains to that post, whether there be prisoners at the post or not, and we cannot make a divided responsibility. This, I feel satisfied, General Winder as a veteran officer will admit. If he has not that confidence in the present commander of the post as will insure in this instance the safety of the prisoners, he has but to name his successor, when a change can be made and when he can intimate to him his views and wishes with the certainty of their being carried into effect.

S. COOPER,
Adjutant and Inspector General.

[Third indorsement.]

MARCH 10, 1864.

General WINDER:

Note the above indorsement, in which I concur.

J. A. S.,
Secretary.

[Inclosure No. 2.]

SPECIAL ORDERS, No. 49. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 29, 1864.*

* * * * * * *

XXVI. Paragraph XXXV, Special Orders, No. 47, current series, is hereby amended. Maj. E. Griswold is assigned to special duty in charge of the Federal prisoners at Camp Sumter, near Andersonville, Ga. Col. A. W. Persons, commandant of the post, will detail the necessary guard for the prisoners upon the requisition of Major Griswold, who is, of course, subordinate to the commandant of the post.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CAMP WINDER, *Andersonville, Ga., March 12, 1864.*

Maj. A. M. ALLEN,
Commissary of Subsistence, Columbus, Ga.:

MAJOR: I will have your building put up with pleasure, and am already putting up the logs, but I cannot get lumber sufficient to do my own work, and told you when you were here that you must furnish your own materials, and I am even willing to pay for them, but not at the price of $100 per thousand, which was the price that Captain Armstrong informed me he could purchase lumber at. Harold is purchasing lumber and has authority, too, to impress same, at least he so informed me this morning. If you have such authority come at once and impress the necessary mills, or give me the power, and we can in this way get the lumber. I am ready to assist you in any way that I can, but nothing can be done without the materials. It is highly important that you should get your house at once. Please inform me at once if you received my letter in regard to feeding employés at this post and other matters.

Respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

N. B.—Can you not procure nails, window lights, and door fastenings in Columbus?

HEADQUARTERS U. S. MILITARY PRISON,
Camp Morton, Indianapolis, Ind., March 13, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: In compliance with your instructions of the 7th instant I have the honor to submit the following report of the escape of eighteen prisoners of war from this camp, as alluded to in my report of February 29, 1864. From information received from prisoners since the above occurrence, I am satisfied that two of the number escaped by scaling the fence about the 3d of that month, the tunnel reported not having been completed until the night of the 10th. The sixteen remaining prisoners escaped, part of them early on the night of the 10th, and the

remainder about daybreak on the morning of the 11th, two of whom were recaptured. The tunnel had been opened beneath a bunk in the east end of Barrack G, and had escaped the observation of the inspecting officer, the prisoners having concealed it by replacing and nailing down the boards immediately over it each day. The outlet of the tunnel was under the guard walk and concealed from the sentinel by it. The prison barracks are carefully inspected each day by an officer especially charged with that duty, and as an additional precaution a patrol is constantly on duty during the night to see that the prisoners retire to their quarters at the proper hour and that nothing of an unusual character occurs. The tunnel in question was about eleven feet in length, and from information since received was several weeks in construction, the dirt from it being carefully conveyed in buckets mixed with ashes from the stoves and the sweepings from the floors of their quarters while policing each morning. I would respectfully state that since the above occurrence four similar attempts at tunneling have been made in different localities of the prison, each of which was unsuccessful.

Very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding Camp Morton.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 21, 1864.

Respectfully submitted to the Secretary of War for his information. Colonel Stevens is a reliable and attentive officer and will spare no efforts to prevent the escape of prisoners.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HDQRS. DEPARTMENT OF THE CUMBERLAND,
OFFICE PROVOST-MARSHAL-GENERAL,
Nashville, Tenn., March 13, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a thorough inspection of the State penitentiary and the several U. S. Army general hospitals at this post where prisoners of war are detained, a detailed report of which I forward herewith. I shall leave here to-morrow a. m. for Memphis, Tenn. I wrote you from this place on the 11th instant, acknowledging receipt of telegram of 9th instant, and reporting movements.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

HDQRS. DEPARTMENT OF THE CUMBERLAND,
OFFICE PROVOST-MARSHAL-GENERAL,
Nashville, Tenn., March 13, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to make the following report of inspection of the penitentiary and the several hospitals at this post where

prisoners of war are detained. Prisoners on arriving from the front are placed in the east wing and main building of the State penitentiary, but are rarely detained at this post for more than twenty-four hours, being as quickly as practicable transferred to Louisville, Ky., unless sufficiently ill to require hospital treatment. One difficulty obtains here, which I have not met with elsewhere. The penitentiary is used as a general guard-house for the district, all prisoners being crowded in together without distinction of class, excepting that the west wing is devoted to civil prisoners only. Notwithstanding this general mixture, and the constant changing of prisoners, the prison quarters are kept in a very fair condition of police, though much in need of a coat of whitewash throughout. The cooking arrangements are somewhat contracted, yet are sufficient for their purpose, prisoners being furnished with cooked rations during their stay. The cooking is done by contrabands. No prison fund is established, rations being only drawn for prisoners as they arrive and for one day at a time. The sinks are in the prison yard, and are altogether inadequate in accommodation, and in a miserable state of police. The sink consists of one box, about 12 by 3 by 3 feet in dimensions, with four half casks for use as urinals. These are supposed to be cleansed daily, but such is by no means the case. I found them full to overflowing and exceedingly offensive. There were at the time of my inspection but two prisoners of war retained here, both under charge of murder, and one political prisoner, also under charges. There were present, and were received during the month of February, 912 prisoners, 784 of whom were prisoners of war, 1 political prisoner, and 127 civilians. All the prisoners of war (with the exception of those above-mentioned—77 sick, 14 died, 2 released, and 5 escaped) have been transferred to Louisville, Ky. Of citizens there were remaining February 29 76, of whom 8 were in hospital. A medical officer visits the prison daily, and such prisoners as require hospital treatment are transferred to one or other of the U. S. Army general hospitals at the post. March 12 I found 64 prisoners, 56 of whom were prisoners of war, sick in U. S. Army General Hospital No. 1, in charge of Surg. C. W. Hornor, U. S. Volunteers.

These prisoners occupy a ward in the upper story of the hospital building, which was formerly used as a gun factory and which is very well adapted to its purpose. The prisoners' ward is 170 by 45 by 16 feet in dimensions and will accommodate 153 beds. It is very well ventilated from the roof and by side and end windows. The patients are clean, well clad, and well cared for, and the ward and furniture in good order and police. The prisoners are not, however, properly isolated from the general hospital patients. A distinct record and report of them is made, but all supplies are obtained and issued from the general hospital supply. No distinct prison hospital fund is kept. The January monthly report of prisoners of war and citizens sick in this hospital is as follows: Aggregate sick, 137; died, 23; returned to prison, 42; sent to pest-house, 12; remaining, 60. Percentage of deaths to aggregate sick, .1679.

February report: Aggregate sick, 141; died, 15; returned to prison, 52; sent to pest-house, 3; remaining, 71. Percentage of deaths to aggregate sick, .1064. At present under treatment—prisoners of war, 56; civilians, 8. Every prisoner is vaccinated on his entrance into the hospital. In Hospital No. 3 I found 12 prisoners. This hospital is located on the public square and consists of two large warehouses not at all well adapted to this purpose. It is under the charge of Surgeon Turney, U. S. Volunteers. The prisoners occupy a portion of a ward

in the fourth story. They bear evidence of being well cared for. In all respects the same remarks made concerning Hospital No. 1 will apply to this hospital also. As the prisoners' ward in Hospital No. 1 is sufficiently large to accommodate any number of prisoners who may require hospital treatment I have requested the assistant provost-marshal-general to direct that henceforth all such prisoners be sent to Hospital No. 1, instead of being scattered about the city, excepting such as may require to be sent to the pest-house. The pest-house is located about a mile west of the city. It is a camp hospital consisting mainly of hospital tents. It is very well arranged and is under the charge of Acting Assistant Surgeon France. There are now twenty-two prisoners of war and citizens at this hospital, or rather are supposed to be here, for no reliable register is kept. There is no guard and the prisoners are scattered among the other patients instead of being collected together in one ward. The surgeon in charge states that he is not certain but that some of the prisoners have escaped, as he is unprovided with a guard; that he has applied to the commandant of the post for such guard, and in reply was instructed to employ his convalescents as a guard, but that he has not done so because he has no convalescents whom he considers fit for such duty, and moreover, has no arms for them. He also states that a majority of the above prisoners are convalescents and fit to be returned to the assistant provost-marshal, but that he has no clothing wherewith to furnish them before their return. I have requested Captain Goodwin to see that these men are provided with the necessary clothing. This hospital is well organized but very loosely conducted.

The following report is all that I could ascertain from the hospital books: January, 1864—cases admitted, 27; deaths, 6. February, 1864—cases admitted, 4; deaths, 3. March, 1864, to 12th instant—cases admitted, 0; deaths, 1; total cases admitted, 31; deaths, 10; percentage, .3259.

There are between 800 and 900 cases of the disease in this hospital, consisting of troops, civilians, and contrabands. I would suggest that a distinct prison hospital be organized at this post. I do not think that a separate building is necessary. The ward at present used for the purpose in Hospital No. 1 might be continued, but as a distinct hospital, though it might remain under the charge of the same surgeon. This would enable the establishment of a distinct hospital fund from which the prisoners could be supplied. At present they receive, in all respects, the same treatment as do our own sick and wounded. Should you think proper to direct this to be done, I will effect it on my return here.

Respectfully submitted.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

U. S. MILITARY PRISON,

*Camp Morton, Indianapolis, May 14, 1864.**

Col. JAMES A. HARDIE,

Inspector-General U. S. Army, Washington, D. C.:

COLONEL: I have the honor to acknowledge the receipt of your communication of April 29, 1864, directing that—

immediate and sufficient measures must be instituted to cause a thorough and complete cleansing of the quarters and barracks, &c., also that a more thorough discipline must be adopted with both guards and prisoners.

* Inadvertently printed out of its proper sequence.

I would respectfully beg leave to report that by direction of the Commissary-General of Prisoners I have commenced a thorough cleansing of the prison barracks and grounds, replacing and repairing the bunks and quarters, the erection of a bath house, laundry, cook houses, &c. Your orders in regard to a more rigid discipline with both guards and prisoners will be obeyed.

I am, very respectfully, your obedient servant,

A. A. STEVENS,
Colonel, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 14, 1864.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor very respectfully to submit the following matter for your consideration: Under the authority placed in my hands by General Orders, No. 67, of June, 1862, I have created at the several prison stations, by the savings of rations, large prison funds, amounting, after paying many necessary expenses connected with the welfare of prisoners, to not less than $135,262.35 on hand at the present time. In the latter part of December I ordered Surg. A. M. Clark, who is acting as medical inspector of prisoners, to visit the prison camps in the West, and gave him authority, where he found it necessary, to order additional hospital accommodations and to have them paid for out of the prison fund, giving him at the same time particular instructions to order nothing that was not absolutely necessary, or that would lead to much expense. These instructions were given verbally and in writing. On reaching Rock Island, about the 1st of February, Surgeon Clark found the smallpox prevailing to a very serious extent, and immediately ordered a large hospital to be built, which he reported to me, but not in a way to give me a clear idea of its character. The buildings, as he suggested, were to be paid for in part by the quartermaster's department, and in part by the prison fund, to cost, as I understood, $1,800, which, considering the emergency of the case, I did not think excessive, though it was much more than his instructions contemplated. About the same time a communication from the quartermaster at the depot was presented to the Quartermaster-General, recommending an increase of the hospitals for the guard and the prisoners, which paper passed through my hands and the Surgeon-General's, approved, and I was of the impression that all had been ordered by the Quartermaster-General. A few days since I learned that the hospital ordered by Surgeon Clark was to cost $18,000 instead of $1,800. I was very greatly surprised at this discovery, for I had looked upon the last sum named as quite sufficient for the purpose, and I took immediate measures to put a stop to an outlay which I deemed in great part unnecessary. On further inquiry at the Quartermaster-General's Office, I learned that the hospital for the prisoners had not been ordered, as I had previously understood, and I have given the commanding officer orders to stop the work as far as practicable until he receives further orders. The prison fund at the depot increases rapidly and can bear the expense, but it has been my desire as well as my duty to authorize no disbursement from it that was not indispensable. I deem it my duty to invite attention to this expensive measure, which is against my judgment and without my approbation. This much may be said in its favor: The buildings are on public ground, where they may be appropriated to public purposes. They will be useful during the war for

prisoners or as barracks, and they will vacate the barracks now occupied by the prisoners as hospitals, which will accommodate 1,200 men. The accompanying copies of instructions to Surgeon Clark will show how careful I was to guard against any unnecessary expenditures.*

I have the honor to be, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 14, 1864.

Brigadier-General WINDER:

GENERAL: The communication of Messrs. William W. Newman, of the Virginia Senate, and Samuel A. Miller, of the House of Representatives, asking the release of Shaw, sheriff of Putnam County, Va., under the revolutionary government of Western Virginia, has been most respectfully considered. The policy of the Government in matters of this description has been adopted after mature consideration. It cannot recognize the right or the power of the enemy to coerce us into terms by the arrest of non-combatant private citizens. This mode of warfare seems peculiarly acceptable to them and if tolerated must be prosecuted on our part upon very unequal terms. In the interests of our citizens, unfortunately beyond the pale of protection by our armed forces, we cannot permit ourselves to be seduced into even a quasi recognition of such arrests as legitimate acts of war, and you will therefore advise Messrs. Newman and Miller that I am constrained to decline authorizing the release of Shaw for the reasons set out in their communication.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *March 14, 1864.*

General BRAXTON BRAGG:

GENERAL: In obedience to orders the undersigned have inspected the hospitals used for sick and wounded prisoners of war attached to the military prisons of this city, and beg leave respectfully to submit the following report:

The buildings are three in number, each of brick and three stories above ground. One is situated at the corner of Twenty-fifth and Carey streets, one at the corner of Main and Twenty-sixth streets, and the other at the corner of Franklin and Twenty-fifth streets. The last two seem to be well adapted for the purpose designed, being well ventilated and easily kept clean, but the first, possessing neither of these conditions, is wholly unsuitable. The three buildings can accommodate comfortably about 500 patients, allowing 800 cubic feet per man. On the 11th instant there were present in hospital 1,127 sick and wounded. The wards contain, therefore, more than twice the number prescribed by orders; and such is their crowded condition that in some instances two patients were found on a single bunk.

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*See Hoffman to Clark, December 25 and 28, 1863, and Clark to Hoffman (extract ending "Your instructions shall be strictly carried out"), January 11, 1864, pp. 758, 773, 826.

The evil consequences of this state of affairs are clearly manifested in the severe mortality exhibited by the reports of surgeon in charge. Ratio of deaths per 1,000 in January, 1864, 188; ratio of deaths per 1,000 in February, 240; number of deaths in March to date (eleven days), 244. Stated in another form, the average number of deaths per day during the month of January was 10; during the month of February, 18; during the month of March to date, 22; on the day previous to that of inspection the number was 26. The ratio, it will be observed, is rapidly increasing, and compared with that of the hospitals for our own sick and wounded, the mortality in which for the same period did not in any case exceed 20 per 1,000 and in some did not reach 10 per 1,000, is truly frightful. As further illustrative of this sad condition of things, it may be mentioned that in the month of February, of 337 cases of diarrhea admitted, 265 were fatal, a result ascribed in part by the medical officer to the want of flour, corn-meal alone being furnished. Of typhoid-fever cases admitted during the three months preceding March 1, 64½ per cent. proved fatal. Doctor Wilkins, the surgeon in charge until very recently, an officer to whose ability and efficiency the medical director of hospitals bears written testimony in most complimentary terms, made to the proper authorities a report (see inclosure marked A), dated November 21, 1863, setting forth the capacity of the hospital buildings and the overcrowded state of his wards and urging the necessity for further accommodations, but it seems that his request was not complied with. He again, in a communication dated December 16, 1863 (see inclosure marked B), called attention to the same subject, but so far, as it appears, with no effect. He further reports to the undersigned that the medical purveyor does not furnish a sufficiency of medicines, and that the commissary does not provide flour for the sick requiring its use.

The kitchen and laundries of two of the buildings are tolerably well arranged and well attended to; the latrines are badly located but well cared for. From the crowded condition of the wards it is impossible to preserve them from offensive effluvia. The officers and attendants (Confederate) attached to this hospital are, surgeons, 5; assistant surgeons, 9; acting assistant surgeons, 3; hospital stewards, 2; ward-masters, 4; total, 23. Nurses, cooks, washers, and clerks, 52 in number, are taken from the prisoners. The daily guard required for the hospital consists of commissioned officers, 3; non-commissioned officers and privates, 105; total, 108.

The ward at the Libby Prison appropriated to sick and wounded Federal officers is also objectionable, being on the ground floor and not well ventilated; but the mortality has been very slight, owing in a measure, it is thought by the surgeon in charge, to the fact that the patients generally have the means and privilege of purchasing better diet than can be furnished by the commissary. There are forty sick in this ward, which is its full capacity. The bedding of the hospital is in the main good, and considering the limited facilities, well taken care of. The books and records are neatly kept.

In conclusion the undersigned would respectfully urge that an enlargement or entire change of hospital is absolutely necessary to meet the varied wants of the sick and wounded of the enemy now in our hands.

GEORGE WM. BRENT,
Colonel and Assistant Adjutant-General.
T. G. RICHARDSON,
Surgeon, Provisional Army, C. S.

[Inclosures.]

A.

GENERAL HOSPITAL NO. 21,
Richmond, Va., November 21, 1863.

Surg. WILLIAM A. CARRINGTON,
Medical Director, Richmond, Va.:

SIR: In reply to your communication of the 20th instant, I have the honor to submit the following report:

Hospital No. 21 contains 17,600 cubic feet. At this date there are 430 patients under treatment in said hospital, being about 410 cubic feet to the man. Hospital No. 22 contains 11,400 cubic feet; 272 patients are now under treatment, there being about 408 cubic feet to the man. The Second Alabama Hospital contains the same number of cubic feet that Hospital No. 22 contains. Allowing 800 cubic feet to the man the three hospitals will accommodate about 500 patients. This morning's report shows 977 in hospital. Captain Turner has visited the Texas Hospital and pronounces the building ineligible for a prison hospital because of the difficulty in guarding it. Please have turned over to me as soon as practicable either Hospital No. 20 or 23.

Very respectfully, your obedient servant,

JNO. WILKINS,
Surgeon in Charge.

B.

GENERAL HOSPITAL NO. 21,
Richmond, Va., December 16, 1863.

Surg. WILLIAM A. CARRINGTON,
Medical Director, Richmond, Va.:

SIR: General Hospital No. 23 (Liggon's factory) is now under control of Captain Warner, assistant quartermaster. Captain Selph informs me that the upper story of building corner Twenty-first and Carey streets is empty, and that the baggage now stored in No. 23 could be put in there. Please issue the necessary orders to have No. 23 cleaned out, so that I can get possession of the building as soon as possible, as I am much pressed for room. The admissions to hospital this month have averaged about fifty per day.

Very respectfully, your obedient servant,

JNO. WILKINS,
Surgeon in Charge.

[First indorsement.]

MARCH 18, 1864.

Respectfully submitted for the information of the War Department.

A copy will be furnished General Winder and his attention called to the condition of his command. The Medical Department is compromised by this state of affairs, which can but seriously and justly compromise us in the treatment of our prisoners.

BRAXTON BRAGG,
General.

[Second indorsement.]

MARCH 21, 1864.

Respectfully referred to General Winder for examination and report before submitting to higher authority. These papers to be returned to this office.

S. COOPER,
Adjutant and Inspector General.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, March 26, 1864.

Respectfully returned with a report from Surg. William A. Carrington, medical director, to General Cooper. I file also a statement showing ratio of deaths from September, 1862, to February, 1864, inclusive, among Federal prisoners, and also a statement of deaths in officers' hospital. Reference to this statement will show that the ratio of deaths for the months of December, January, and February, 1862–1863, approximates the ratio of deaths for the corresponding month in the years 1863–1864. Yet the number in hospital during the first period was very small. The increase of mortality for the month of February, 1864, may be fairly attributed to the virulence of smallpox. These facts taken in connection with the causes of mortality set forth in inclosures Nos. 3 and 7, show that the ascription of the mortality to the crowded state of the hospital was perhaps precipitate. It is stated in the report of Surgeon Semple that the ratio of mortality does not exceed that of our own prisoners in the hands of the enemy. All these facts show that the mortality is incident to prison life, and cannot reasonably be attributed to the want of space in the hospitals. I do not contend that the hospital accommodations have been such as were desirable or that the quarters, fuel, and rations of the prisoners have been such as were most conducive to their health and comfort. The best disposition of them has been made which the guard and the means at my disposal would allow. With an insufficient guard I have been compelled to concentrate them as far as possible, and even with the aid of the local forces, serious and well-grounded apprehensions have been entertained that they would effect their escape. Their safe-keeping was the paramount and controlling object and every relaxation consistent with this object has been extended. It was impossible to extend the hospital accommodations, for I had not sufficient guard. On several occasions the guard was retained on duty for forty-eight successive hours. The deficiency in commissary supplies, which has not been confined to this department and for which I am not responsible, has prevented the supply of rations necessary to the health of the prisoners. The quantity and quality has been such as necessity compelled me to use. This remark refers to rations furnished in quarters. It will be seen that the hospitals were placed on the same footing as Confederate hospitals. The report of Surgeon Wilkins, September 5, 1863, taken in connection with the report of deaths at the officers' hospital in the Libby Prison, prove that the objections urged against this hospital are not well taken.

JNO. H. WINDER,
Brigadier-General.

[Fourth indorsement.]

ADJUTANT-GENERAL'S OFFICE, *March 31, 1864.*

Respectfully submitted to the Adjutant and Inspector General.

SAML. W. MELTON,
Major and Assistant Adjutant-General.

[Fifth indorsement.]

APRIL 4, 1864.

Respectfully referred to General Bragg with the reports of General Winder and the medical director, Surgeon Carrington.

S. COOPER,
Adjutant and Inspector General.

[Inclosure.]

Number treated, number of deaths, and ratio of deaths at C. S. military prison hospital from September, 1862, to February, 1864, inclusive.

Month.	Number treated.	Number of deaths.	Ratio.
1862.			
September	1,743	62	3.55
October	240	6	2.50
November	130	3	2.30
December	256	39	15.23
1863.			
January	358	39	10.89
February	108	17	15.74
March	156	17	10.89
April	213	9	4.22
May	210	3	1.42
June	170	2	1.19
July	233	12	5.15
August	247	6	2.43
September	256	28	10.93
October	1,139	115	10.09
November	2,208	346	15.67
December	2,217	325	14.65
1864.			
January	1,706	311	10.82
February	2,180	524	24.03

By order of medical director:

R. S. J. PEEBLES,
Surgeon, Provisional Army, C. S.

SPECIAL ORDERS, No. 74.

HOUSTON,
March 14, 1864.

* * * * * * *

IX. Lieut. Thomas E. Sneed, Thirty-third Texas Cavalry, commanding Post San Antonio, will take necessary steps at once to securely guard the political prisoners, Peebles, Baldwin, Zinke, Hillebrand, and Zeeliger, until returned by the supreme court at Austin, Tex., against an attack or forcible seizure of them by an irrepressible mob. He will be held personally responsible for the safety of them, and to enable him to fully execute this order he will call upon Colonel Ford, or any commanding officer, for the necessary guard.

The commanding officer at Austin will take necessary steps for the execution of this order to the letter, as they must be protected at all hazards.

L. G. ALDRICH,
Assistant Adjutant-General.

WAR DEPARTMENT, *Washington, D. C., March 15, 1864.*

Hon. JOHN A. ANDREW, *Governor of Massachusetts:*

Can you place in a workhouse a number of female prisoners held by order of the War Department? All necessary charges will be paid.

C. A. DANA,
Assistant Secretary of War.

RICHMOND, *March 15, 1864.*

Brig. Gen. JOHN H. WINDER:

SIR: I have examined the papers in the case of one Tom Heath, a freeman of color, who was imprisoned in one of the military jails of this city on the 5th instant. Heath is a resident of Goochland County and is charged by a gentleman of the highest respectability and veracity with having acted as a guide to the enemy during the recent raid of General Kilpatrick and Colonel Dahlgren through Goochland. The only witness I learn against the accused is a son of Mr. S. D. Fisher, whose testimony, in the absence of other witnesses, would not be sufficient proof of the overt act of treason, although there is no doubt of Heath having adhered to the enemy, giving them aid and comfort. His offense is one of so grave a character that I regret to say he cannot, I fear, be successfully prosecuted for treason. The act of Congress of the 15th of February, 1864, providing for the suspension of the writ of habeas corpus in certain cases, will enable the Secretary of War to inflict the punishment of imprisonment upon the accused. He has clearly been guilty of the crime of communicating intelligence to the enemy, giving him aid and comfort and holding intercourse with the enemy without necessity and without the permission of the Confederate States, and he may therefore be imprisoned and denied all recourse to the writ of habeas corpus. As hard labor for the benefit of the Confederate States should be superadded to the punishment of imprisonment, I have to recommend the immediate reference of the papers in this case to Judge Campbell, the Assistant Secretary of War, who will issue the necessary orders for the imprisonment of Heath. The crime with which he is charged is one of such frequent occurrence that an example should be made of Heath. It is a matter of notoriety in the sections of the Confederacy where raids are frequent that the guides of the enemy are nearly always free negroes and slaves.

Respectfully,

P. H. AYLETT,
C. S. District Attorney.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, March 18, 1864.

Respectfully forwarded to the Secretary of War.

JNO. H. WINDER,
Brigadier-General.

[Second indorsement.]

MARCH 18, 1864.

ASSISTANT SECRETARY:

This man, a free negro, piloted Dahlgren in Goochland. But one witness can be had to prove guilt and Mr. Aylett asks to have him confined and put to labor, denying recourse to habeas corpus. Recommendation approved.

B. R. W[ELLFORD], JR.

[Third indorsement.]

MARCH 25, 1864.

Refer to Brigadier-General Winder to have him detained in custody and placed at hard labor work in a secure place and for other attention.

By order:

J. A. CAMPBELL.

GENERAL ORDERS, No. 6. } HEADQUARTERS POST, *Camp Sumter, Andersonville, March 15, 1864.*

I. No officer or soldier at this post will be permitted, under any circumstances, to hold any communication whatever with any of the prisoners detailed from the prison at work, except such as have official business with them.

II. All non-commissioned officers and privates who may have written permission from officers commanding guard to be absent from camp, as per Special Orders, No. 11, paragraph III, will not congregate upon the platform of the depot upon the arrival or departure of the trains.

A. W. PERSONS,
Colonel, Commanding.

CAMP WINDER, *Andersonville, Ga., March 15, 1864.*

[Gen. J. H. WINDER:]

GENERAL: I would respectfully ask instructions to the following queries: First, the Quartermaster-General has instructed me to sell to employés at this post the necessary provisions, and as there is no market here from which they can get supplies this arrangement is imperatively necessary. Since the feeding of the prison has devolved upon the Commissary Department I shall not have the means of carrying out my instructions. What is to be done? Will Major Allen be instructed to sell to them, or will I have to make requisition upon Major Allen, commissary of subsistence, as he suggests (a copy of his letter to me find inclosed*), and, if so, upon what form shall I make a return of these provisions? I much prefer that the employés should purchase directly from the commissary department, which I believe is the usual channel. Second, instructions as to whether I must take charge of prisoners' funds, and, if so, instructions as to what to be done with it. I have taken in my keeping a lot of funds which were forwarded to this post with some Florida prisoners by the commanding officer capturing them, and do not know what to do with it, whether to let the prisoners have so much of it per month, or what. Please instruct me at once in these matters.

Respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

CAMP WINDER, *Andersonville, Ga., March 15, 1864.*

Maj. A. M. ALLEN,
Commissary of Subsistence, Columbus, Ga.:

MAJOR: Am in receipt of yours of 11th instant, and have called attention of Quartermaster-General to the suggestions therein contained. I will do anything that I can to facilitate you in your department at this post, and am already putting up your house, but the want of the necessary lumber and materials will necessarily retard me. However, my own house will soon be done, and I will then release to you the church (my present commissary house) until yours can be finished. I shall be able to give up the church certainly by next Monday week. You must aid me in every way in getting materials. I have applied

* Not found.

to Secretary of War for authority to impress mills. Should this authority be granted me, all obstacles will be removed.

Respectfully, your obedient servant,

R. B. WINDER,
Captain and Assistant Quartermaster.

BOSTON, MASS., *March 16, 1864.*

Hon. C. A. DANA, *Assistant Secretary of War:*

Under dates of October 30 and November 12, 1863, please find my letters to Maj. L. C. Turner, judge-advocate, concerning whole subject of receiving and keeping female prisoners of war. I have arranged with U. S. Marshal Keyes to arrange with county officers if you should need to avail of houses of correction.

JNO. A. ANDREW,
Governor of Massachusetts.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 16, 1864.

Maj. Gen. W. T. H. BROOKS,
Comdg. Department of the Monongahela, Pittsburg, Pa.:

GENERAL: By direction of the Secretary of War you will please give the necessary orders for the transfer of the prisoners of war now in confinement in the Allegheny penitentiary to Point Lookout, Md. Please order an ample guard and have every precaution taken that none escape. Instruct the commander of the guard to permit the prisoners to have no communication with any person by the way and notify the commanders at Harrisburg and Baltimore of their coming, so that guards may be present to secure their safe transfer from one train to another. A steamer will be prepared at Baltimore to receive them, but the guard will continue with them to Point Lookout and all should be prepared with cooked rations for the whole route. They should be transported in passenger cars, well supplied with lights and water, and the time of reaching Baltimore, before 4 p. m., should be fixed, all to be provided for in the contract. Send with them duplicate rolls, one copy to be retained by the officer in charge, and furnish a copy to this office. The officer in charge will take receipts for all delivered and will give the names, with rank, &c., of all not delivered, stating what became of them. His report should be made through you immediately on his return. If the prisoners have money in the hands of any officer, please have it sent with them, to be delivered to the commander at Point Lookout. Inform me by telegram when they can reach Baltimore and I will notify you when the boat will be ready. The rolls required are the ordinary rolls; not the parole-rolls.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

PRISON HOSPITAL, *Johnson's Island, March 16, 1864.*

Colonel HOFFMAN, *Commissary-General of Prisoners:*

SIR: We, the undersigned, acting surgeons in charge of the prison hospital on Johnson's Island, in view of the prospect for at least a partial exchange of prisoners, would respectfully set forth the following

facts in behalf of our sick and disabled comrades: In this prison there is a large number of officers disabled from further military service, in consequence of wounds, amputations, and chronic diseases of all kinds, but most especially from chronic diarrhea An early exchange of these men and their return home to their relatives and friends will not only relieve a vast amount of suffering, but preserve their lives, so valuable to their families. From the experience of the past few months we are warranted in asserting that the continuance of this class of men in prison will result in the death of many. Their only hope is in an early exchange. Doubtless the same state of things exists in all other prisons, both North and South. We would therefore most earnestly recommend, for the sake of humanity, that these men be selected as the first for exchange. We have thought proper to make this application in duplicate, one directed to yourself, the other to the Hon. Robert Ould, commissioner of exchange for the Confederate States. We sincerely hope that this application may receive immediate and favorable attention.

We are, respectfully, your obedient servants,

I. G. W. STEEDMAN, M. D.,
Colonel First Regiment Alabama Volunteers,
L. E. LOCKE, M. D.,
Captain, Fifty-third Alabama Cavalry,
J. F. SESSIONS, M. D.,
Captain Company K, Eighteenth Mississippi Regiment,
Physicians in Charge of Prison Hospital, Johnson's Island, Ohio.

[First indorsement.]

PRISON HOSPITAL,
Johnson's Island, Ohio, March 17, 1864.

Approved and respectfully forwarded.

T. WOODBRIDGE,
Surgeon 128th Ohio Volunteer Infantry, in Charge.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 24, 1864.

Respectfully submitted to the Secretary of War.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Third indorsement.]

WAR DEPARTMENT, *March 29, 1864.*

Respectfully referred to the commissioner for the exchange of prisoners for remark.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Fourth indorsement.]

WASHINGTON, *March 31, 1864.*

I see no necessity for sending this communication to Mr. Ould, but the suggestion appears reasonable and I suggest that the class of persons described might be sent to General Butler with instructions to offer them for exchange under his existing orders, if he is in condition to act under them.

E. A. HITCHCOCK,
Major-General of Volunteers and Commissioner of Exchange.

[Fifth indorsement.]

WAR DEPARTMENT, *April 5, 1864.*

Respectfully returned to the Commissary-General of Prisoners for reference to Maj. Gen. B. F. Butler.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Sixth indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., April 8, 1864.

Respectfully referred to Maj. Gen. B. F. Butler, commissioner for exchange.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Seventh indorsement.]

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., April 10, 1864.

Respectfully returned.

All the wounded of our soldiers at Richmond have been promised to me by the rebel commissioner and I suppose are now on the way here. I would suggest that all the sick and wounded of their prisoners that can be moved should be sent to Point Lookout, to be sent up for exchange.

BENJ. F. BUTLER,
Major-General, Commanding.

George P. Farr, Haynesville, Tenn., asks if an oath to which he has "inscribed" is binding.*

[Indorsement.]

MARCH 16, 1864.

Returned to Colonel Preston.

We cannot respect the oath, nor the bond given for its observance. The enemy has no right to impose such obligations on non-combatants. If these obligations were respected by us they would practically defeat our power "to raise armies."

[RO. OULD.]

General G. T. BEAUREGARD,
Comdg. Department of South Carolina, Georgia, and Florida:

GENERAL: We are forced to complain directly to you, and it is with reluctance we do so, of the treatment we have experienced since we have been confined in this jail. We came here on the 12th of January, and for the first few days the food was sufficient, but since then it has fallen off in quantity, and it is now merely nothing. We are satisfied in our minds that the ration is sufficient, but this we do not get. The greater part of it is pilfered from us by the negroes who cook it and by others employed about the premises. We have been forced to sell our clothing and other things to keep us alive, and now that these things have

* Farr's communication not found.

failed we are compelled as a last resource to complain to you. The provost-marshal visited us once, and after we had stated the case to him he said he would remedy it, but that is the last we have heard of it. We are also kept in close confinement all the time, whilst convicts of all kinds have the run of the yard all day. We have complained to the jailer, but he says he has too much to do, and cannot look out for us. We appeal to you, and hope to [get] relief from one whom we have always heard spoken of as a brave soldier and a humane man.

WM. A. YOUNG,
A. J. HENDRICKS,
W. J. WANTTS,
CHARLES E. HORNEY,
JAMES BAILY,

In behalf of 24 prisoners confined in the tower of Charleston Jail, S. C.

[Indorsement.]

HDQRS. DEPARTMENT OF SOUTH CAROLINA, &C.,
March 16, 1864.

Respectfully referred to inspector-general for a rigid investigation and report.

By command of General Beauregard:

JNO. M. OTEY,
Assistant Adjutant-General.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 17, 1864.

Hon. E. M. STANTON, *Secretary of War, Washington, D. C.:*

SIR: I have the honor to submit herewith a report received from Col. W. P. Richardson, commanding Camp Chase, of the shooting of five prisoners by the guard at that camp.

On the 15th of January, as soon as I heard of these transactions, I called on Colonel Wallace, commanding Camp Chase, for a full report of the several cases, which was received January 25, but being unsatisfactory, as coming from subordinate officers, and not going sufficiently into details, I directed him to investigate the cases fully and report all the particulars in his own name. He was relieved from command of the camp before the order could be executed and the duty has been performed by Colonel Richardson, the present commander. The apprehensions which prevailed at the time of a revolt of the prisoners justified a more than usual severity in enforcing orders by the guard, and three of the cases seem to have sufficient justification; but in the two cases where the sentinel fired into the barracks in consequence of a light in the stove, the circumstances were not such as to justify such harsh measures, though the sentinels seem only to have obeyed their orders.

The most censurable feature in these several cases is the fact that a prisoner, Henry Hupman, who was wounded about 9 o'clock in the evening, was suffered to lie in his bed bleeding for half an hour before permission was given to burn a candle, while his mess mates bound up the wound, and then it was 11 o'clock the next morning before the surgeon in charge dressed his wounds. This was a gross neglect of duty by the commanding officer, the officer of the day, and the surgeon in charge. Col. W. Wallace, Fifteenth Ohio, was the commander of the camp at the time, though he had placed Lieut. Col. A. H. Poten in the

immediate command of the prisoners, and the guard acted under his orders. The name of the officer of the day is not reported. Dr. G. W. Fitzpatrick, acting assistant surgeon, was the surgeon in charge, and for this neglect I respectfully recommend that Lieutenant-Colonel Poten and the officer of the day, if he can be found, be brought to trial for their misconduct, and that Doctor Fitzpatrick, if he knew of the wounding of the prisoner at the time, be discharged from the service.

I have the honor to submit also the first report received from Colonel Wallace. Lieutenant-Colonel Poten states, in the case of Hupman, that he was "put directly under treatment of the surgeon in charge of the prison hospital," while the surgeon, Doctor Fitzpatrick, states that he did not see the wounded man until the following morning at 11 o'clock when making his regular visit.

To meet such cases in future I have given instructions that whenever a prisoner is shot by a sentinel a board of officers will be immediately ordered to investigate the case and make a full report of all the particulars, which is to be forwarded by the commanding officer with his remarks to this office, and I have at the same time requested that both the guard and the prisoners be made fully acquainted with the orders by which they are to be governed.*

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

[Inclosure No. 7.]

HEADQUARTERS U. S. FORCES,
Camp Chase, Columbus, Ohio, March 8, 1864.

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: In answer to your communication of January 27, 1864, in regard to the shooting of certain prisoners of war confined at this post and in obedience to your instructions therein contained, I have the honor to report—

That having taken command of this post on the 11th of February, 1864, and being without any personal knowledge of these occurrences, I have found it extremely difficult to comply fully with your instructions in regard to the nature and the particularity of the circumstances of each of these cases. Had a full report been made at the time of each occurrence everything of importance could have been easily ascertained, but the lapse of time and the absence of many persons whose evidence would have thrown much light upon the whole subject has rendered it impossible to make a satisfactory report.

It appears that during the months of September, October, November, and December of 1863 fears were entertained that an attempt would be made by disloyal persons in this State to liberate the prisoners confined at this post, and a very decided spirit of mutiny prevailed among the prisoners, arising, as was supposed, from their knowledge of the intentions of the persons referred to. Attempts to escape were frequent and persistent, and consequently the increased vigilance and severity were demanded on the part of the persons responsible for their safe-keeping. Under these circumstances, it is not surprising that the orders in regard to their conduct would be severe, and that they would sometimes be hastily and improperly executed. From the affidavits

* For inclosures 1, 2, 3, 4, 5 and 6, see Wallace to Hoffman, January 19, and its inclosures, pp. 854–856.

accompanying this report and by personal inquiry I find that the sentinels during the time referred to were instructed as follows:

First. Not to allow prisoners to approach the prison walls nearer than ten feet. If any attempted to do so to halt them, warn them of the infringement of the rule, and if they persisted in approaching the wall to fire upon them.

Second. Not to allow prisoners to collect together in large numbers; when they did so to order them to disperse, and if they disobeyed to fire upon them.

Third. No lights allowed in their quarters after taps. If any were observed the sentinel should warn the mess in the building where it occurred to put it out, and if not obeyed to fire into the building.

Under these instructions the first case of shooting that occurred was that of Samuel Lemley, private, Company A, Nineteenth Virgina Cavalry, on the night of the 17th of September, 1863. It appears that the sink was distant from the wall some six or eight feet, and that the prisoner, for some reason unexplained and against the warning of the sentinel, continued to attempt to go behind the sink, between it and the prison wall, was fired upon and killed. The affidavit of Lieutenant Reber, Eighty-eighth Ohio Volunteers, officer of the guard at the time of this occurrence, gives the facts in detail.

On the night of November 5, 1863, Private William L. Pope, Company A, Ninth Tennessee Cavalry, was fired upon by a sentinel on the parapet and killed. The prisoner came within a few feet of the wall, was challenged by the sentinel and ordered away, but continued to advance and was fired upon and killed. The sentinel's name was Private M. Wilson, Fifteenth Regiment Invalid Corps, now at Camp Douglas, near Chicago, Ill. His affidavit, together with that of Lieut. I. S. Taylor, of Company B, Fifteenth Regiment Invalid Corps, giving the particulars of the affair, accompanies this report.

Hamilton McCarroll, private, Company B, Welcker's Tennessee cavalry, was killed by a shot fired by a sentinel on the parapet named John W. White, Fifteenth Regiment Invalid Corps, and now stationed at Camp Douglas, Chicago, Ill., on the night of the 16th of November, 1863. Said sentinel in the after part of the night observed a light in one of the buildings occupied by the prisoners, and in obedience to his instructions he ordered it to be extinguished, which order not being complied with, he fired into the building, the ball passing through the door and striking McCarroll, killing him instantly. The affidavits of the sentinel and those of Capt. H. W. Francis, Lieut. S. L. Hammon, and Sergt. Christopher Fox give the particulars in greater detail. Henry Hupman, private, Company C, Twentieth Virginia Cavalry, on the night of 19th of December, 1863, was wounded in the arm by a shot fired by a sentinel on the parapet named Frank Allen, private, Twelfth Regiment Ohio Volunteer Cavalry.

This case is similar to the last one, the sentinel firing into the building because he saw a light, which was not put out at his warning, the ball striking the prisoner, inflicting a severe wound in the arm, and of which he afterward died. The statement of Surg. G. W. Fitzpatrick shows that the wounded men received all the attention that could be given them; indeed, all the wounds appear to have been mortal. The sentinel, Allen, is a deserter and his testimony cannot be procured. The affidavit of the sergeant of the guard on the night of the occurrence, A. J. Russell, Twelfth Ohio Volunteer Cavalry, is forwarded herewith.

In addition to the affidavits before named I have taken the statements of several of the prisoners of war in regard to the cases of Pope,

McCarroll, and Hupman, and they are accordingly forwarded with this report. If true, they make these cases appear in a very odious light and cause me to reiterate your regret that they should have occurred.

The instructions to sentinels have been so modified that it is not probable anything of the kind will again occur, except it should be actually necessary to prevent the prisoners from escaping.

I have not taken the affidavit of Lieut. Col. A. H. Poten because I understand from your letter that his statement is already before you.

Colonel Wallace, then commanding officer, is now very ill at his home in Belmont County, in this State, or I would have taken his statement in regard to the orders and instructions given to the prison guards, but from conversations with him on this subject I am of the opinion that it would not change the statement of those already made.

Having reported as fully as the means at my command will permit, I have the honor to be, very respectfully, your obedient servant,

W. P. RICHARDSON,
Colonel Twenty-fifth Ohio Volunteers, Commanding.

[Inclosure No. 8.]

CAMP CHASE, OHIO, *March 8, 1864.*

Colonel RICHARDSON, *Commanding Camp Chase, Ohio:*

SIR: I have the honor to report that about 11 o'clock a. m. 16th of December, 1863, while making my regular visit to Prison No. 1, as surgeon in charge of prisons, I was called to see one Henry Hupman, private, Company C, Twentieth Virginia [Cavalry], whom I found pale and nervous from the effect of a gunshot wound of right arm. Patient stated that he was shot by sentinel on parapet about 9 o'clock p. m. 15th instant while lying in bed; hemorrhage was quite profuse and was not arrested for nearly half an hour, when his associates finally obtained permission to have a light for fifteen minutes, during which time they succeeded in arresting the flow of blood. The quarters being considerably crowded, and not being prepared to dress the wound, I ordered him to hospital immediately, and visited him in the afternoon of same day and found, on examination, that the ball entered the forearm, slightly fracturing the inner border of olecranon process of ulna, passed through elbow joint up the arm under inner border of biceps into shoulder, where it was lost, not being able to trace it farther. Not knowing where ball might be found, it was not thought best to use cutting instruments for ascertaining its whereabouts or amputating at shoulder joint. From the weakness of pulse and other symptoms I was led to believe that the ball might have penetrated into the bones of thorax. Simple dressing was applied, stimulants supplied, and the patient put to bed. September 17, pulse feeble, tongue dry and brown, sordes on teeth. Continued stimulants and used disinfectants freely. Erysipelas being in the hospital, antiseptics were applied. Eighteenth, mortification was just manifesting itself; treatment continued, and Surgeons McFadden, Swingley, and Abraham were called in council. It was not thought prudent to amputate; patient died about 4 o'clock p. m. same day.

I also submit the following copy of a report made by Dr. W. C. Maxfield, who was at the time referred to surgeon in charge of prisons:

The case referred to under head of "Other wounds of abdominal cavity" was that of Samuel Lemley, citizen of Virginia, prisoner of war, confined in Prison No. 2, Camp Chase, shot by the sentinel on the parapet at 9 o'clock p. m. September 16, 1863. Cartridge contained one round ball and three buckshot; ball passed through right arm, fracturing humerus, entered body at seventh rib, passed out at left inguinal region; two of the shot lodged in arm, the third passed through arm, leaving a

contused spot on side of body. Saw patient half an hour after injury, pulse feeble, skin cold and clammy, nausea, but no vomiting, hemorrhage slight, ordered stimulants, reduced fracture, applied simple dressing to wound, continued stimulants. Died at 1 o'clock a. m. 17th of September, four hours after injury. No post mortem.

I certify that I visited the said Lemley in company with Doctor Maxfield and assisted in dressing his wounds, and I further state that the above report of Doctor Maxfield is, to the best of my knowledge, a correct and true report of the case.

All of which is respectfully submitted.

G. W. FITZPATRICK,
Acting Assistant Surgeon, U. S. Army.

Sworn and subscribed to before me, at Camp Chase, Ohio, this 8th day of March, 1864.

W. A. McGREW,
First Lieut. and Adjt. Eighty-eighth Ohio Vol. Infty. and Post Adjt.

[Inclosure No. 9.]

Personally appeared before me, this 29th day of February, 1864, Sergt. A. J. Russell, Company H, Twelfth Ohio Volunteer Cavalry, who, being duly sworn, testifies as follows:

I was sergeant of the guard on or about the 19th day of December last at Camp Chase, Ohio. The instructions which I received from the sergeant whom I relieved in regard to the lights inside he prisons were that at a certain hour—I think it was 9 o'clock p. m.—the lights were to be put out; that the sentries at and near the prisons should see this order executed, and that if the prisoners did not respond to the order after being twice given by the sentries they should be fired into. These instructions I gave to the sentries. Besides myself there was another sergeant of the guard (of the Invalid Corps). I do not recollect his name. We were to relieve each other during the night. He was to be on duty from 9 o'clock p. m. until 1 o'clock a. m.; myself from 1 o'clock a. m. until daylight. On relieving the sergeant of the Invalid Corps I was told by him that one of the sentries of the parapet guard had fired into the prison. Going the rounds of the different sentries about daylight, I inquired of one of the sentries of the parapet guard (Frank Allen, of the Twelfth Ohio Volunteer Cavalry, I think was his name) if he had heard a shot being fired into the prison, whereupon he replied that he himself had done it. I asked for the particulars, and was told by him that he had at a certain hour (I think it was 9 o'clock p. m.) ordered the prisoners in Prison No. 1 to put out the lights. He saw his order not obeyed, yet one of the prisoners told him that the lights were put out; that he, the sentry, repeated his order, and no attention being paid to it, fired into the prison, aiming at the place where he saw the light. After having fired he heard a cry, and one of the prisoners asked permission to burn the light a few minutes longer in order to dress the wound which he had inflicted, which he (the sentry) refused, it being against his orders.

I also inquired of the sentry next to the beat of said Allen if he had heard the repeated order to extinguish the lights, to which he replied in the affirmative. He stated further that one of the prisoners said something before the shot was fired, but did not understand what it was.

A. J. RUSSELL.

Sworn to and subscribed before me this 29th day of February, 1864, at Camp Dennison, Ohio.

W. VON DOEHN,
Captain and Assistant Adjutant-General.

[Inclosure No. 10.]

Statement of J. G. Nance, M. D., Company I, Tenth Kentucky Cavalry (prisoner of war), in the case of the shooting of Henry Hupman, prisoner of war.

I belong to Company I, Tenth Kentucky Cavalry. Said Hupman was a mess mate of mine at the time he was shot. I was in my bunk asleep at the time the shot was fired and was awakened by my cousin a few minutes afterward to dress the wound. It was some time before I could get permission from the sentinel to light a candle to dress the wound, during which time he bled profusely. The shot passed through the door-shutter and entered the forearm, passing over the olecranon process, cutting one of the large arteries of the arm and lodging near the head of the humerus. I succeeded in stopping the bleeding. I do not think that any of the bones of the arm were broken. Doctor Fitzpatrick came in the next morning and examined the wound.

Hupman was taken out late the next evening to the hospital, up to which time he seemed tolerably comfortable, being able to walk to the hospital. The ball was not taken from his arm while I staid with him. I think if the ball had been taken from his arm as soon as he was shot and the proper medical attention given him he would have recovered.

This is about all I know concerning his case, as I before said that I was asleep at the time he was shot.

J. G. NANCE, M. D.,
Private, Company I, Tenth Kentucky Cavalry.

[Inclosure No. 11.]

Statement of H. French, Company K, Tenth Kentucky Regiment (prisoner of war), in the case of the shooting of Henry Hupman, prisoner of war.

I was acquainted with Hupman. I heard the sentinel call "lights out," and the candle was put out immediately.

There was fire in the stove and the door of the stove was broken off so that it gave a bright light. I think the sentinel called "lights out" once after the candle was put out. I think it was about fifteen minutes after the light was put out that the sentinel fired and shot Hupman.

H. (his x mark) FRENCH,
Company K, Tenth Kentucky Regiment.

[Inclosure No. 12.]

Statement of George W. Dean, Company I, Sixth Kentucky Regiment (prisoner of war), in the case of the shooting of Henry Hupman, prisoner of war.

A few minutes before Hupman was shot there was a noise in the mess, very loud talking, &c.

There were three or four passed in and out of the mess. They had been in there singing. I did not hear the sentinel call "lights out;" I knew what the prison rules were, and knew it was against the rules to have lights and noise at that time of night.

The stove door was broken so it gave considerable light in the mess. The mess door was not open at the time Hupman was shot. I was sitting by the stove at the time the shot was fired. The ball passed through the door. This is all I know of the case.

G. W. DEAN,
Company I, Sixth Kentucky Regiment.

[Inclosure No. 13.]

Statement of G. W. Cavendish, Company C, Twenty-second Virginia Infantry (prisoner of war), in the case of the shooting of Henry Hupman, prisoner of war.

I was acquainted with Hupman, the prisoner who was shot. He was in the same mess that I was. I think it was in December, 1863, when he was shot.

I believe it was about nine or ten o'clock in the evening when he was shot. We had a candle burning that evening. We heard the guard halloo "lights out" and immediately put the candle out. We had fire in the stove, and it being very much fractured it gave considerable light.

I think it was about an hour and a half after the guard hallooed "lights out" that Hupman was shot. I did not hear the guard call "lights out" after we put the candle out. We had no candle burning at the time Hupman was shot. Hupman, myself, and one man was in the bunk together when he was shot. The ball passed through the mess door, hitting Hupman's elbow, and lodged in his right shoulder. I think he lived about twenty-four hours after he was shot. We all knew that it was contrary to the prison rules to have lights or any disturbance after 9 o'clock. This is all I know about the case.

G. W. CAVENDISH,
Company C, Twenty-second Virginia Infty., Prison 1, Mess 10.

[Inclosure No. 14.]

Statement of G. S. Barnes, Company A, Fourth Tennessee Cavalry (prisoner of war), in the case of the shooting of Hamilton McCarroll, prisoner of war.

I was present when H. McCarroll was shot. He (McCarroll) came into prison 3 on the 13th or 14th of November, 1863, stopped in some other mess one or two nights before he came into ours.

Came into our mess, which is 49, on the 15th. That night I got up to go to the sink; I think it was between 1 and 3 o'clock. I found McCarroll up. He said he had had fire all night. When I came back from the sink he asked me if it was not almost day. I told him he was an older man than I and ought to know better than I. He said he thought it was almost day. I told him if that was the case he had better build more fire, which he did, and sat down on the south side of the stove to warm himself, as the night was very cold. I opened the stove door to light the room in order to find the kettle to make some coffee. The stove door was open about a minute while filling the kettle with water; and while filling the kettle (which was, I suppose, the reason I did not hear the guard call "lights out") I heard the shot. The ball passed through the building, hit McCarroll in the left breast, passed through him, and lodged in his elbow.

The mess door was not open at the time he was shot. McCarroll said the evening before that if he was cold he would have a fire nights. We cautioned him particularly that it was against orders. McCarroll and myself were the only ones up at the time. He did not live but a few minutes after he was shot.

G. S. BARNES,
Company A, Fourth Tennessee Cavalry.

[Inclosure No. 15.]

Statement of William Hoover, Company C, Sixteenth Tennessee Infantry (prisoner of war), in the case of the shooting of Hamilton McCarroll, prisoner of war.

I was asleep when McCarroll was shot. The report of the gun or the groans of the man awakened me. I think he came in one day before he was shot and stayed one night in some other mess before he was put in our mess.

Some of the members of the mess told him we were not allowed lights after 9 o'clock.

I knew we were not allowed lights after 9 o'clock, and this was between the hours of 1 and 3 o'clock a. m. I think McCarroll was shot between the 15th and 20th of November, 1863.

WM. HOOVER,
Company C, Sixteenth Regiment Tennessee Volunteer Infantry.

[Inclosure No. 16.]

Statement of H. P. J. Hathcock, Company B, Sixteenth Tennessee Infantry (prisoner of war), in the case of the shooting of Hamilton McCarroll, prisoner of war.

I was awake at the time Hamilton McCarroll was shot. McCarroll was sitting by the stove at the time. The stove door was open and threw considerable light. I did not hear the guard call "lights out." I was sick and did not take much notice of what was said or done. I think McCarroll knew it was against orders to have a fire at night. McCarroll had no blanket and I suppose that was the reason he was sitting by the fire. I think it was between 12 and 3 o'clock a. m., the 15th day of November, 1863.

H. P. J. (his x mark) HATHCOCK,
Company B, Sixteenth Tennessee Infantry.

[Inclosure No. 17.[

Statement of L. D. Stacy, Company L, Eleventh Tennessee Cavalry (prisoner of war), in the case of the shooting of Hamilton McCarroll, prisoner of war.

I belong in mess 49. I was awake at the time McCarroll was shot and thought I heard a sentinel cry "lights out." I was just going to tell the boys to shut the stove door when the shot was fired. The front part of the building was lit up considerably, and some one of the mess was filling a kettle to make coffee. I think the house door was shut at the time. McCarroll lived about one minute and a half after he was shot. There was no candle lighted at the time.

L. D. STACY,
Company L, Eleventh Tennessee Cavalry.

[Inclosure No. 18.]

Statement of Silas Haught, citizen of Virginia (prisoner of war), in the case of the shooting of W. L. Pope, prisoner of war.

I was acquainted with W. L. Pope. Pope was shot in the evening about 8 o'clock. I heard some boys in my mess say that they heard the sentinel order him away from the gate two or three times. Pope made

no reply. I understood he went to the gate to see something about burning a light in a mess where there was a sick man. That is all I know about the shooting of W. L. Pope.

SILAS HAUGHT,
Citizen of Virginia.

[Inclosure No. 19.]

Statement of Henry Glover, citizen of West Virginia (prisoner of war), in the case of the shooting of W. L. Pope, prisoner of war.

I knew Pope when I saw him, but was not acquainted with him. It was a little after dusk when Pope was shot. I was on the street and within 100 feet of him at the time. When I first saw him he was standing at the gate looking into the key room. I heard the sentinel tell him to get away from the gate. I also heard him (the sentinel) tell him to get away from there the second time. I do not remember hearing the sentinel say anything more to him.

I think it was about one minute from the time I first saw Pope at the gate until I heard the sentinel order him away, and I think it was about two minutes from the time I first heard the sentinel tell him to go away until he was shot. I did not see Pope after he was shot.

HENRY GLOVER,
Citizen of West Virginia.

I certify that the above is a true copy.

S. L. HAMMON,
Lieutenant and Provost-Marshal of Prison No. 3.

P. S.—Henry Glover was released yesterday. We did not see him to get his signature.

LIEUTENANT HAMMON.

[Inclosure No. 20.]

Statement of James S. Sapp, citizen of West Virginia (prisoner of war), in the case of the shooting of W. L. Pope, prisoner of war.

I knew Pope; he was the sergeant of our mess, which is mess 1. I do not recollect the date when he was shot. About half-past 7 in the evening Pope said he would go up to the gate and ask permission of the sergeant of the gate to burn a light in our mess, as we had a sick man there, and he immediately started for that purpose. I do not think it was more than five or ten minutes after he started until I heard the report of a gun. The next I saw of Pope they were helping him up. I do not know where the ball hit him or how long he lived.

J. S. SAPP,
Citizen of West Virginia.

[Inclosure No. 21.]

CAMP DOUGLAS, ILL., *February 27, 1864.*

In compliance with orders from Brigadier-General Orme, dated February 26, 1864, I would respectfully submit the following statement in reference to the shooting of William L. Pope, at Camp Chase, Ohio:

Said William L. Pope, Ninth Tennessee Cavalry, was fired upon and shot by a sentinel on post at Prison No. 2, Camp Chase, Ohio, between the hours of 8 and 10 on the night of November 5, 1863.

At the time, and for some weeks previous, and also thereafter, I was filling the position of provost-marshal of prisons at Prisons Nos. 1

and 2, Camp Chase, Ohio, having been detailed to that duty by order of Brigadier-General Mason, commandant at Columbus and at Camp Chase, Ohio, with orders to report to Lieut. Col. A. H. Poten, assistant commandant of prisons, for instructions, and I received all my instructions from him. Those instructions did not give me any immediate control of the guards, but I was to be conversant with the instructions given them from time to time, and was required to watch closely whilst on my tour of duty through and about the prisons and see that sentries strictly carried out their instructions and report cases of neglect or carelessness.

At the time, and for some time previous to the shooting of William L. Pope, the instructions given sentries were more rigorous than common, and greater vigilance was required owing to the persistent efforts of the prisoners to escape by tunneling under the prison walls and the continued discoveries of plots, seeming to have connection with outside influence, for their release.

No prisoner was allowed to approach the wall nearer than ten feet, day or night, and no lights were allowed to be burned in their quarters after taps. The sentries were instructed to warn the prisoners if they attempted to approach—to halt and order them away. If he persisted in approaching after being so halted twice, or refused to go away when ordered, the sentry was to fire upon him.

In case lights were seen burning, the sentry was to order them out twice; if not extinguished, was to fire. In case of a necessity for a deviation from this rule the consent of the provost-marshal was to be obtained, and it was his duty to inform the officer of the day of such permission being given, that the sentries might be instructed accordingly.

No permission was so given to William L. Pope to approach the wall, nor was I solicited for such permission at any time for some days previous to the shooting of William L. Pope. Two tunnels were known to be in course of construction by prisoners in Prison No. 2, and as extra caution was called for, the provost-marshal was required to visit the prison after night before retiring for the night.

On the night of the shooting of William L. Pope, in company with the commissary of prisons, was going the rounds, visiting sentries and suspected points about the prison to see that all was correct, and while approaching from the outside the entrance gate of Prison No. 1, heard the challenge of a sentry, we continued to walk toward the gate and had taken perhaps twenty steps, when the following words were spoken: "I have told you to go away often enough," and instantly followed the report of a musket, with the groans of a person on the inside of the prison wall.

An immediate investigation showed that the challenge and remarks spoken of had come from a sentry on post on the parapet, over the gate and that he had fired the shot at and struck one William L. Pope, a prisoner of war, whom the sentry stated had persisted in approaching the wall, the blood on the ground showing that Pope was close to the wall when shot.

All of which I respectfully submit.

ISAIAH S. TAYLOR,
Lieutenant, Company B, Fifteenth Regiment Invalid Corps.

Subscribed and sworn to before me at Chicago, Ill., this 29th day of February, 1864.

H. BURR,
Assistant Adjutant-General, U. S. Volunteers.

[Inclosure No. 22.]

HEADQUARTERS POST OF CHICAGO,
Chicago, Ill., February 27, 1864.

Affidavit of Corpl. Miller Wilson, Company A, Fifteenth Regiment, Invalid Corps, in regard to the shooting of William L. Pope, Ninth Tennessee Cavalry, at Camp Chase, November 5, 1863.

My instructions were first to allow no man to come within four feet of the fence. Second, to halt all men twice. Third, when they refused to obey the challenge to fire upon them. Fourth, I received my instructions from Captain Smith, Company C, Fifteenth Regiment Invalid Corps, officer of the day at that time. I also received the same orders from the officer of the guard, whose name I disremember.

I was on the parapet of Prison No. 1, and the prisoner, Pope, came out of the door of the barracks between 11 and 12 o'clock at night. He came toward the fence and came to within a few feet of the fence, when I ordered him to halt three or four times, but he did not stop and I fired on him. The ball went through his right arm and hip and completely through his body.

He died about 4 o'clock next morning.

MILLER (his x mark) WILSON,
Corporal, Company A, Fifteenth Regiment Invalid Corps.

Subscribed and sworn to before me at Chicago, Ill., this 28th day of February, 1864.

H. BURR,
Assistant Adjutant-General, U. S. Volunteers.

[Inclosure No. 23.]

CAMP CHASE, *March 6, 1864.*

Col. W. P. RICHARDSON:

SIR: According to your instructions I have the honor of submitting the following report in relation to the shooting of Samuel Lemley, private, Nineteenth Virginia Cavalry, on the night of the 17th of September, 1863.

On the 17th of September, 1863, I was officer of the guard at prisons 1 and 2 at this post. Captain Allen, Company I, Eighty-eighth Ohio Volunteer Infantry, was officer of the day.

My instructions, received from the officer of the guard relieved by me, were to keep prisoners confined in said prisons ten feet from the fence, to allow no communication between them and the sentinels. The prisoners failing to obey orders after three distinct warnings the guard was to shoot.

I gave these instructions to the guard, and between the hours of 9 and 11 p. m. I made a tour of inspection on the parapet and found the sentinels prompt in halting and vigilant in their duty. Private Moody, Company C, Eighty-eighth Ohio Volunteer Infantry, posted on the parapet in rear of Prison No. 2 and near the sink of said prison, complained that the prisoners obeyed his orders with reluctance in regard to running behind said sink, the back part of which was from six to eight feet from the fence. He had very often during the day warned them of his instructions.

I repeated the orders, and on no consideration to allow them to run behind the aforementioned sink. I then turned to a group of prisoners standing near, and told them plainly that they should keep ten feet from the fence, and on no consideration to go behind the sink. I

then proceeded on my tour. When I was from fifty to sixty yards from him I heard said private Moody cry "halt" distinctly three times and then the report of his gun. Going back to him, I saw the aforementioned Samuel Lemley run from behind the sink, crying loudly and holding his hand to his side. The shot and cry brought out a great many prisoners from their barracks, who crowded around him. I could not tell whether he walked or was carried to the hospital, which is in said prison. The prisoners were very much excited, talking in a mutinous manner. I ordered them to quarters once or twice, and was obliged to put my hand to my breast, as if to draw a revolver, before they would obey, which was done in a sullen manner. I went to the guard-room, ordered a guard to go for the surgeon, went into the prison hospital, found the prisoner sitting on a chair, and one or two prisoners, whom I judged were connected with the hosipital, were examining the wound, one of them, looking up as I entered, said, "We will not stand this kind of work, shooting us prisoners," or words to that effect. I ordered him to stop his talking and proceed with the examination. He was very much excited, and I was obliged to partly draw my sword before he would desist.

As I could do nothing, I returned to the guard-room. Soon after the regular surgeon of prisons came and went into the prison.

All of which is respectfully submitted.

THOMAS REBER,
Second Lieut. Company H, Eighty-eighth Ohio Vol. Infantry.

Sworn and subscribed to before me, at Camp Chase, Ohio, this 6th day of March, 1864.

W. A. McGREW,
First Lieutenant and Adjutant, Eighty-eighth Ohio Volunteers.

[Inclosure No. 24.]

HEADQUARTERS POST OF CHICAGO,
Chicago, Ill., February 27, 1864.

Affidavit of John W. White, private of Company D, Fifteenth Regiment Invalid Corps, in regard to the shooting of a prisoner of war while on duty at Camp Chase, Ohio, on the night of November 16, 1863:

I would respectfully state that the officer of the day was Captain Francis, of the Seventh Regiment Invalid Corps.

His instructions were to allow no lights in the quarters of the prisoners of war after taps; to order them out once, and if not obeyed to shoot them out immediately. While on my post a light appeared in one of the prisoners' barracks near the hour of 1 o'clock a. m. I ordered it out three times, and then fired into the window of the barracks. I gave the order in a loud tone, which could be distinctly heard in the barracks. I cannot positively say whether it was the light of a candle or a stove, but my belief is that it was the former, as the light disappeared immediately after the report of the gun; therefore I concluded it must have been a candle or they could not have disposed of it so soon.

It was more light than I could allow and follow my instructions strictly to the letter. I did not see any one when I fired. I fired at the light to shoot it out according to my instructions. Very soon after I fired the provost-marshal came and went into the barracks and reported that a man was shot. I did not leave my post, and never saw the prisoner that was shot. I understood that the provost-marshal

found him lying on the floor of the barracks and not in his bunk, but state that only from hearsay. I do not know the name of the man that was shot. A sergeant of the Seventh Regiment Invalid Corps was acting officer of the guard; his name I do not remember. The instructions were given by Captain Francis to the detail before going on post.

JOHN W. WHITE,
Company D, Fifteenth Regiment Invalid Corps.

Sworn and subscribed to before me at Chicago, Ill., this 27th day of February, 1864.

H. BURR,
Assistant Adjutant-General, U. S. Volunteers.

[Inclosure No. 25.]

Personally appeared before me Seth L. Hammon, second lieutenant Company B, Seventh Regiment Invalid Corps, who, being duly sworn, states that he was acting provost-marshal of prisons at Camp Chase on the 16th of November, 1863. About midnight of that day he heard a sentinel on the parapet at Prison No. 3 (his quarters are immediately opposite Prison No. 3, about six rods from the prison) call "lights out" two or three times. Soon after he heard a shot from the same direction. At the time he heard the sentinel call he had retired for the night, having immediately before made his rounds inside the prison, which was necessary for him to do every night on account of a mutinous spirit that existed among the prisoners at that time. Afterward he heard shooting. He then dressed himself and went over and into the prison and there found at mess 49 a man dead (shot through the breast) by the name of Hamilton McCarroll, a prisoner of war. He had repeatedly cautioned the officer of the guard to pay particular attention to messes 47, 48, 49, 50, 51, 52, and 53, as the inmates of those messes had made several attempts to escape. He (affiant) had caught them several times in the act of burrowing out. Affiant had been but a short time previous to November 16, 1863, acting as provost-marshal. About that time, November 16, the prisoners were very mutinous; from what cause affiant does not know.

S. L. HAMMON,
Lieutenant and Provost-Marshal.

Sworn to before me and subscribed in my presence this 12th day of February, A. D. 1864.

SAML. GALLOWAY,
Notary Public of Franklin County, Ohio.

[Inclosure No. 26.]

Personally appeared before me Christopher Fox, duty sergeant of Company B, Seventh Regiment Invalid Corps, U. S. Army, now at Camp Chase, who, being duly sworn, states that on the night of the 16th of November, 1863, he was sergeant of the gate at Prison No. 3 at Camp Chase, and that about midnight of said 16th of November he distinctly heard the sentinel of beat No. 4 call to mess 49 of said prison to put out their lights, and I also heard him say that if the lights were not put out that he would shoot them out. Immediately after I heard this announcement of the sentinel I heard firing. I think it was the second relief that was on duty at the time. About fifteen minutes after the third relief guard came on duty. His name was White. He was

asked if any one was shot by him. His answer was that he thought some one was shot, as he heard some one groan, and that the lights went out soon after he shot. In the morning the provost-marshal informed me that the man shot was Hamilton McCarroll, a prisoner of war. of mess 49 of prison 3.

CHRISTOPHER FOX.

Sworn to before me and subscribed in my presence this 12th day of February, A. D. 1864.

SAML. GALLOWAY,
Notary Public of Franklin County, Ohio.

[Inclosure No. 27.]

Personally appeared before me Henry W. Francis, captain of Company D, Fifty-first New York Volunteer Infantry, of lawful age; being duly sworn states that he was officer of the day by order of commandant of post at Camp Chase, Ohio, November 16, 1863; that when he entered upon duty on the morning of said November 16 he received instructions from Captain Smith, who preceded him as officer of the day, that affiant was enjoined to be specially careful and watchful of the prisoners, as it had been discovered and was known that efforts had been made by prisoners to escape by excavating the ground in different places within the prison, and that as a means of guarding against any further attempts that he must cause an order, previously made, that all lights should be put out at 9 o'clock p. m. to be rigidly enforced, and he instructed his guard accordingly. Affiant further states that about 2.30 a. m. of the morning of November 17, 1863, he heard the report of a musket; that he immediately repaired to the place where he supposed the firing had occurred; that he there ascertained from persons present at the firing and particularly from the sentinel, John W. White, private in Company E, Fifteenth Regiment Invalid Corps, and also from the sergeant of the guard, that in mess No. 49 and Barracks No. 3 a light appeared, and that the inmates of said mess and barracks were thrice ordered to put out said light, but they persistently declining to do so, thereupon the musket was shot, and as the result of said shot and firing Hamilton McCarroll of said mess and barracks was killed.

H. W. FRANCIS,
Capt. Company D, Fifty-first New York Vols.

Sworn to before me and subscribed in my presence this 12th of February, A. D. 1864.

SAML. GALLOWAY,
Notary Public of Franklin County, Ohio.

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., March 17, 1864.

General B. F. BUTLER:

GENERAL: I have received your order of the 15th instant directing me to cause to be paroled for exchange 600 privates taken in order from the list of those who wish to be exchanged, and all the convalescents in the hospitals who are able to go, except from the smallpox hospital. That has been done, the convalescents numbering 320.

The order further directs me to send "fifty officers, taken from that list, paroled, in same proportion as in the last order." Fifty officers

taken from the list have been paroled and sent as directed. But as only one colonel, one lieutenant-colonel, and no major remain on the list, the "same proportion as in the last order" could not be maintained.

I have completed the fifty by taking captains and lieutenants from the list to make up the deficiency of colonels, lieutenant-colonels, and majors.

You are familiar with the doctrine of *cy pres* in law, applied to the interpretation of wills, which requires, when the intention of the testator cannot be literally executed, that it shall be executed as nearly as possible, and that rule I have applied to your order.

G. MARSTON,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 17, 1864.

Maj. Gen. E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington, D. C.:

GENERAL: As a basis for a further partial exchange of prisoners of war I would respectfully present the following memoranda. Brigadier-General Meredith, commissioner for exchange, received at City Point from Mr. Ould the following deliveries, viz:

Date.	Deliveries.	Equivalent in privates.	Total.
1863.			
Sept. 23	171 non-commissioned officers	342	
23	575 privates	575	
			917
29	107 non-commissioned officers	214	
29	564 privates	564	
			778
Oct. 28	29 non-commissioned officers	58	
28	155 privates	155	
			213
	Making a total in privates of		1,908

Major-General Butler, commissioner for exchanges, made the following deliveries of rebel prisoners at City Point:

Date.	Deliveries.	Equivalent in privates.	Total.
1863.			
Dec. 28	4 commissioned officers	20	
28	79 non-commissioned officers	158	
28	421 privates	421	
			599
1864.			
Jan. 29	3 officers		20
Feb. 27	1 officer		4
Mar. 6	58 commissioned officers	356	
6	130 non-commissioned officers	260	
6	670 privates	670	
			1,286
	Total		1,909

The several deliveries above stated balance each other save one man, and they may be declared exchanged as equivalents.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry, Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 17, 1864.

Col. W. P. RICHARDSON,
Commanding Camp Chase, Columbus, Ohio:

COLONEL: By direction of the Secretary of War you will hereafter, when a prisoner of war is shot by a sentinel for violating the regulations of the post, immediately order a board of officers to investigate all the circumstances of the case to show that the act was justifiable, a full report of which will be forwarded to this office with your remarks. It is necessary that both the guard and the prisoners should be fully informed of the regulations or orders by which they are to be governed, and when a sentinel finds it necessary to fire upon a prisoner he must be able to show that he was governed strictly by the orders he received, and that the prisoner or prisoners willfully disregarded his cautions of orders. Rigid discipline must be preserved among the prisoners, but great care must be observed that no wanton excesses or cruelties are committed under the plea of enforcing orders. Should a prisoner be wounded by a sentinel he will immediately be taken to the hospital, where he must have proper attention from the surgeon in charge.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel, Third Infantry and Commissary-General of Prisoners.

(Same to Col. A. J. Johnson, commanding Depot Prisoners of War, Rock Island, Ill.; Col. William Weer, commanding military prison, Alton, Ill.; Col. A. A. Stevens, commanding Camp Morton, Indianapolis, Ind.; Lieut. Col. M. Burke, commanding Fort Lafayette, New York Harbor; Col. P. A. Porter, commanding Fort McHenry, Baltimore, Md.; Maj. Stephen Cabot, commanding Fort Warren, Boston Harbor, Mass.; Brig. Gen. A. Schoepf, commanding Fort Delaware, Del.; Col. J. P. Sanderson, provost-marshal-general, Department of the Missouri, Saint Louis, Mo.; Brig. Gen. W. W. Orme, commanding post, Chicago, Ill.; Capt. S. E. Jones, provost-marshal, Louisville, Ky.)

WAR DEPARTMENT, *Washington City, March 18, 1864.*

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.:

SIR: The Secretary of War instructs me to acknowledge the receipt of your letter of the 16th instant calling attention to the case of the sufferers in Southern dungeons and inclosing a letter received by the mother of Ensign B. H. Porter, U. S. Navy, proving that he is still in irons, as also Lieut. E. P. Williams, U. S. Navy, and asking that retaliatory measures may be taken to mete out to Commander Webb and others, mentioned in your letter of the 29th December last, similar treatment.

In reply the Secretary instructs me to advise you that your communication, with its inclosures, has been referred to Major-General Butler, Department of Virginia and North Carolina, with instructions to apply the retaliatory measures therein indicated.

I have the honor to be, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

FORT MONROE, *March 18, 1864.*

SECRETARY OF WAR:

Unless there are specific charges against Morgan's officers, confined in the Columbus penitentiary, I think it would advance the public service to have them released and sent to me at Point Lookout. Will you please order it?

BENJ. F. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington City, March 18, 1864.*

Major-General BUTLER, *Fortress Monroe:*

There is reason to believe that Morgan is organizing another raid and it is inexpedient to release his officers before their regular turn. I had ordered them to Fort Delaware some days ago.

EDWIN M. STANTON,
Secretary of War.

FORTRESS MONROE, *March 18, 1864.*

SECRETARY OF WAR:

I had not intended releasing Morgan's officers at all, only to get them out of a penitentiary, as reprisals were informally notified to me and I did not wish to yield after formal action of the rebels.

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 18, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts of Francis Lowe, master of the schooner Julia Baker, captured while engaged in gathering oysters at the mouth of James River on the 12th instant?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 18, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: I have the honor to inform you that the Rev. C. C. Hall, of Washington, D. C., goes to City Point in a few days with the body of Lieut. Julian Cumming. Will you please notify Mr. C. C. Cumming, of Augusta, Ga., of this fact and ask him to meet it at City Point?

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 18, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will your authorities make a special exchange of Private D. Cowles, Company B, Tenth Wisconsin Volunteers, a prisoner of war at Danville, Va.?

I have the honor to be, very respectfully, your obedient servant,
BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

WASHINGTON CITY, D. C., *March 18, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: I have the honor to inclose herewith a statement of prisoners of war received and delivered at City Point since the last authorized declaration of exchange, which was made up to September 1 last.* The statement has been made by Colonel Hoffman, Commissary-General of Prisoners, from official data. I desire to state that the regular system of exchanges had partially ceased through the action of the rebel authorities some months prior to the 1st of September, but as the cartel had not been declared null, deliveries continued to be made for a time, by which we came into possession of most of the prisoners embraced in the statement of Colonel Hoffman. At length, however, the rebel agent, Mr. Ould, in violation of the cartel and in defiance of all authority, gave notice to General Meredith that he would on a certain day declare exchanged a long body of prisoners who had been captured and paroled by General Grant at Vicksburg, giving General Meredith notice at the same time that he might make a corresponding declaration. The declaration to the 1st of September was then made on our part as our only recourse at that time; but the irregularity in the course of Mr. Ould made it proper and, as I considered, necessary to cease making either deliveries or declarations until some proper understanding could be had with the rebel authorities. The few deliveries made by Mr. Ould subsequently to the 1st of September I could look upon in no other light than as attempts on his part to draw from us the indirect sanction to his proceedings, which he would have urged had we declared them exchanged; and it is certain that if we had thus gratified him he would have urged our own proceedings as a full justification of himself. I could make this more plain by going more into detail, but I deem it unnecessary. We have latterly made deliveries of prisoners ourselves, but without receiving full equivalents, and I now suggest that upon the principle contained in the fifth article of the cartel (I do not say under the cartel itself, which has been practically abrogated) we have a right to declare exchanged a number of our own officers and men now on parole corresponding to the number of rebel prisoners delivered at City Point since the 1st of September.

Very respectfully, your obedient servant,
E. A. HITCHCOCK,
Major-General of Volunteers and Commissioner of Exchange.

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*See March 17, p. 1072.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 18, 1864.

Maj. Gen. S. P. HEINTZELMAN,
Commanding Northern Department, Columbus, Ohio:

GENERAL: By direction of the Secretary of War you will please give the necessary orders for the transfer of prisoners of war now in the Ohio penitentiary to Fort Delaware. Please order an ample guard and have every precaution taken that none escape. Instruct the commander of the guard to permit the prisoners to have no communication with any person by the way, and notify the commanders at Pittsburg, Harrisburg, and Philadelphia of their coming, so that guards may be present to secure their safe transfer from one train to another. A steamer will be prepared at Philadelphia to receive them, but the guard will continue with them to Fort Delaware, and all should be prepared with cooked rations for their whole route. They should be transported in passenger cars, well supplied with water and lights, and the time of reaching Philadelphia before 6 p. m. should be fixed, to be provided for in the contract. Send with them duplicate rolls, one copy to be retained by the officer in charge, and furnish a copy to this office. The officer in charge will take receipts for all delivered, and will give the names, with rank, &c., of all not delivered, stating what became of them. His report should be made through you immediately on his return. If the prisoners have money in the hands of any officer please have it sent with them to be delivered to the commander at Fort Delaware. The rolls required are the ordinary rolls, not the parole-rolls. The rebel officers now at Camp Chase have also been ordered to Fort Delaware, and it will perhaps be convenient to send both parties at the same time. If you should judge this to be the most advisable course, will you please issue the necessary orders? I send instructions by to-day's mail to Colonel Richardson for the movement of the officers under his immediate charge.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

P. S.—Please notify me by telegraph of the time when they will leave.

W. HOFFMAN.

(Similar instructions to commanding officer Camp Chase, Ohio.)

HOUSTON, *March 18, 1864.*

Brig. Gen. W. R. BOGGS:

The Cincinnati Commercial of February 26 copies from Richmond papers of 20th the act passed by Congress authorizing the suspension of the writ of habeas corpus by the President, Secretary of War, and commander of Trans-Mississippi Department. It covers the case of Baldwin, Peebles, Zinke, Hillebrand, and Zeeliger, who have sued out a writ before the supreme court at Austin.

Could you suspend the writ in this case?

J. B. MAGRUDER,
Major-General, Commanding.

HEADQUARTERS, *San Antonio, Tex., March 18, 1864.*

Maj. L. G. ALDRICH,
Assistant Adjutant-General, Houston, Tex.:

MAJOR: I have the honor to inclose herewith a copy of a communication received from the Hon. James H. Bell, one of the associate justices of the supreme court of the State.

From this it will be perceived the supreme court has suspended a trial of the prisoners Peebles, Baldwin, Zinke, Hillebrand, and Zeeliger until the major-general commanding could be communicated with, and that the prisoners have been placed in the custody of the sheriff of Travis County. Should the major-general desire these parties prosecuted he will doubtless furnish such evidence against them as he controls for the consideration of the court.

I would most respectfully suggest, in the event that these prisoners are returned to the military authority by the supreme court, that the prisoners would be safer if confined at Austin than at San Antonio. In San Antonio there is a formidable mobocratic element which has been ready at a moment's warning to commit violence upon the prisoners, whilst Austin is free of this element.

Information of a reliable character has been received by way of Eagle Pass from Matamoras that the Federals were leaving Brownsville for New Orleans on the 1st instant.

Very respectfully, your servant,

THOS. E. SNEED,
Lieutenant, Commanding Post.

[Inclosure.]

AUSTIN, *March 14, 1864.*

Lieut. THOMAS E. SNEED:

SIR: Captain Ruiz, who was required by you to bring certain political prisoners, viz, Peebles, Baldwin, Zinke, and two others before the supreme court of Texas, in obedience to a writ of habeas corpus issued for that purpose, has discharged his duty in the matter by bringing the said prisoners before the court; and as the case of the said prisoners is necessarily postponed until General Magruder can be communicated with, the prisoners have been ordered by the court into the custody of the sheriff of Travis County until the final judgment of this court in the case shall be rendered. If the court, upon hearing of the case, shall be of opinion that the prisoners are not entitled to be discharged from custody, they will be ordered into the custody of the military officer in command at this place.

Respectfully,

JAMES H. BELL,
Associate Justice of the Supreme Court, presiding in the absence of the Chief Justice.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 19, 1864.

Maj. Gen. GEORGE H. THOMAS,
Comdg. Department of the Cumberland, Chattanooga, Tenn.:

GENERAL: In reply to your reference of the case of Charles Whilan, hospital steward of the rebel army, now a prisoner of war at Chattanooga, Tenn., I have the honor to inform you that it has been decided

by the War Department that hospital stewards shall be considered non-combatants. Accordingly hereafter when captured they will not be held as prisoners of war, but will be sent beyond our lines at the most convenient point and unconditionally discharged, as in the case of surgeons and chaplains.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

GENERAL ORDERS, No. 35. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 19, 1864.*

* * * * * * *

V. Until exchanged and reassembled the officers and men of captured organizations will be temporarily assigned by the general commanding the department in which the troops have been serving to deplete organizations in the service, or to such other duty as the commanding general may direct. To this end it will be the duty of the officers of the Conscription Bureau in the several States to return to the general commanding the department in which the troops have last served such officers and soldiers as are now, or may be hereafter, absent from duty on account of the capture of their commands.*

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S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS, *Austin, Tex., March 19, 1864.*

Capt. E. P. TURNER, *Assistant Adjutant-General, Houston:*

CAPTAIN: I have the honor to acknowledge receipt of Special Orders, No. 74, paragraph IX, and in reference thereto beg to state that prior to the receipt of said order the prisoners referred to were turned over to the sheriff of this county, who has them in charge now, and who declines to have a military guard placed over them, saying that he "can find enough men to protect and defend them."

I conferred with the Governor. He is of opinion that the men should be guarded. I have offered and urged the protection of the military here for those men and it has been positively refused and declined.

If I may be permitted to suggest or offer my opinion the prisoners are not safe as now held. They can in my judgment escape at any moment, and although I have not placed a guard over them yet, if vigilance on my part can prevent escape they are safe in that particular.

The prisoners not having been turned over to me, the sheriff having charge of them, and the guard that brought them here from San Antonio having returned (they did not report to me at all) before the receipt of the order, I have not taken any further steps to guard them, nor will without special orders so to do, at the risk of clashing with the civil authorities. Meantime all the protection in my power shall be afforded them. I await orders.

Very respectfully, your obedient servant,

J. H. SPARKS,
Major, Commanding Post.

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* See General Orders, No. 42, paragraph VI, April 14, Vol. VII, this series.

P. S.—I do not by any means desire to disobey the order or to shrink from the performance of any duty; on the contrary I only question my right or authority to act in the premises now and the desire of major-general commanding to have the action ordered carried into execution as the case stands, as he was not aware of the facts now existing when the order issued.

Meantime vigilance shall be used to guard, protect, and prevent escape of prisoners by all the force under me or at my command.

Very respectfully, your obedient servant,

J. H. SPARKS,
Major, Commanding Post.

WAR DEPARTMENT, *Washington, D. C., March 21, 1864.*

Maj. Gen. B. F. BUTLER,
Comdg. Dept. of Virginia and N. Carolina, Fort Monroe, Va.:

SIR: The Secretary of War directs me to acknowledge the receipt, by reference from the Commissary-General of Prisoners, of your communications of the 4th and 11th instant. In reply to your request for the transfer to Point Lookout of the prisoners of war now at Fort Delaware I am instructed to say that the Secretary does not deem it expedient to approve it from the fact that he considers the last-named place by far the safer of the two. With regard to your suggestions for a declaration of exchange the Secretary does not consider the alleged fact that all the equivalents are serving in the Confederate Army against us, while we cannot make the declaration, as a sufficient reason for us to disregard the proper rules for the exchange of prisoners, nor does he think that the proper remedy of such irregularities is to be found in following Mr. Ould's example.

Very respectfully, &c.,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

(Copy to Col. W. Hoffman.)

INSPECTOR-GENERAL'S OFFICE,
Charleston, S. C., March 21, 1864.

Lieut. Col. ALFRED ROMAN:

COLONEL: Pursuant to orders I visited on the 19th instant the Charleston jail in order to investigate the complaints of the Federal prisoners* against the fare of this prison and the treatment they met with at the hands of the jailer.

The officers spoke in the highest terms of the kindnesses bestowed upon them by the superintendent and the employés; as to the privates, they expressed themselves satisfied with the food and bedding furnished them.

Eighteen deserters stated to me that they could not conscientiously complain though they had asked one of the prisoners to write a letter to these headquarters calling their attention upon the unwholesome condition of the fare; that they were tired of the war, were anxious to be set at liberty in order to work in one of the Government shops or to be sent back to their native places—Canada and Ireland.

Respectfully submitted.

NELVIL SOULÉ,
Captain and Assistant Adjutant-General.

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* See William A. Young and others to Beauregard, p. 1057.

FORT MONROE, *March 22, 1864.*

Hon. S. P. CHASE, *Secretary of the Treasury:*

On the 1st of April the Confederate money which you have got by the act of the Confederate Congress becomes worthless. Had you not better send it to me and let me forward it to our prisoners in Richmond? Even if the Confederates should seize it it would be worth no more to them than it is now in our vaults. There is necessity for prompt action in the matter, as the 1st of April approaches.

B. F. BUTLER,
Major-General.

HEADQUARTERS U. S. FORCES,
Vicksburg, Miss., March 22, 1864.

Lieut. Col. N. G. WATTS,
Agent of Exchange, C. S. Army:

COLONEL: Your communication in relation to exchange of prisoners, &c., is received, and in the absence of the major-general commanding, to whom it is addressed, I would say that I have received no instructions that will allow me to comply with your proposition, regretting also that I cannot, under the circumstances, comply with your request for permission to remove the body of Capt. Paul Hamilton, now buried within our lines. In the matter of Doctor Davis, who is, as you say, a citizen and not connected with the army, I would state that he has been sent North, and will no doubt be treated according to the merits of his case.

I am, colonel, very respectfully,

J. MCARTHUR,
Brigadier-General, Commanding.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 22, 1864.

B. FRANK PALMER, *New York:*

SIR: In reply to your letter of the 15th instant, addressed to the Secretary of War, in relation to supplying artificial limbs to prisoners of war, I have the honor to inform you that as long as the prisoners are in our hands you will be permitted to deliver any limbs you may have been authorized to make, but when the prisoners have been delivered beyond our lines the same rules will apply then to the furnishing of artificial limbs as to any other article of trade.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 22, 1864.

Maj. Gen. N. P. BANKS,
Commanding Department of the Gulf, New Orleans, La.:

GENERAL: I have the honor to inform you that your letter of the 2d ultimo, addressed to the Adjutant-General, covering correspondence in relation to an exchange of prisoners in Western Louisiana, and the

cartel under which the exchange was effected, has been received at this office. With the papers accompanying your letter are two lists, one of 449 paroled men, Federal troops, and one of 251 exchanged Federal troops, including officers and enlisted men, with a list of the rebel equivalents for whom they were exchanged. The list of rebel prisoners sent North, which you mention, has not been received at this office, nor have I been informed of the arrival of any prisoners of war captured in Western Louisiana. The only prisoners received at New York from your department are 222 officers captured at Port Hudson. I am therefore unable to designate the prisoners whom you desire to be returned for delivery in exchange for Federal troops received on parole as required by the cartel.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 22, 1864.

Lieut. Col. M. P. SMALL,
Commissary of Subsistence, Fort Monroe, Va.:

COLONEL: I have the honor to acknowledge the receipt of your letter of the 20th instant* in relation to the rations to be issued to prisoners of war. In establishing the scale which accompanied my circular of the 7th of July, 1862, as it was somewhat experimental, I left it to some extent at the discretion of the commanding officer to make such modifications as might be found necessary. At Point Lookout some articles of the rations have been reduced below the scale, but this has been made up by the purchase of vegetables and other articles, and I have therefore not thought it necessary to interfere. The fund at Point Lookout is very large, much of it very properly remaining as a credit against the subsistence department, but this credit is not shown by the accounts of the commissary, and I request that hereafter his accounts may show not only the amount of money on hand, but also the amount due from the subsistence department, and this account should be carried forward from month to month. No instructions have been issued recently in regard to the issue of rations, except a few days since to make the ration of potatoes conform to the regulations. It has been a little in excess, but I am preparing ration regulations on this subject which will probably go into effect on the 1st of May and will provide a full system of accountability.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbia, March 22, 1864.

General THOMAS JORDAN, *Chief of Staff, Charleston, S. C.:*

GENERAL: I am instructed by the Governor to acknowledge the receipt of a list of the negroes captured on Morris Island in July, 1863, and January of the present year, and to inform you that the jailer of Charleston district has been ordered to hold them as State prisoners

* Omitted.

from the 5th day of this month, the date of your notification, and directed to supply their wants for the future at the expense of the State. I am also instructed by the Governor to request information for file in this department as to whether the said negroes "were taken in arms against the Confederate States, or giving aid or comfort to the enemies of the Confederate States," according to the terms of the seventh section of the resolutions of Congress on the subject of retaliation, approved the 1st of May, 1863, and to respectfully suggest that it is desirable, in the event of future captures being made of such persons, that this department be furnished by the military authority with the names of witnesses to prove the facts necessary to bring the said persons within the terms of the resolution above cited.

Very respectfully, your obedient servant,

B. F. ARTHUR,
Private Secretary.

CONFIDENTIAL.] HDQRS. EIGHTEENTH ARMY CORPS,
DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, March 23, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: In default of the telegraph I have the honor to forward by the flag-of-truce boat, via Annapolis, the report that I have received 63 officers and 965 men, paroled for exchange. This number is an excess of the number last sent up, and nearly equalized the whole number between us. I have now got the matter of exchange to such a point that I think we may go through upon a proper basis. I have, therefore, proposed to the rebel commissioner, Ould, to have him meet me, which he intends to do on the first days of next week, at Fort Monroe.

We have not received Colonel Dahlgren's body, for reasons which I believe are not within the control of the Confederate officers. I trust at least that matters are so far arranged that if we do not go on with the exchange upon an honorable and equitable basis we shall be in a condition to work such proper and thorough retaliation as will bring these rebels to their senses. Therefore I desire that the most active measures be taken to transport all the prisoners we can to Point Lookout. I will be ready to receive at Baltimore these prisoners as fast as they can be put there, because if we are successful, as I believe we may be, I wish to have the whole exchange business finished in the course of a few weeks, so as to be out of the way of the spring campaign.

I have marked this letter "confidential" because I am anxious that no portion of the terms of exchange, or even my meeting with the commissioner, gets into the newspapers before my arrangements are perfected.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HEADQUARTERS U. S. FORCES,
Vicksburg, Miss., March 23, 1864.

Maj. Gen. S. D. LEE,
Commanding Confederate Forces, Jackson, Miss.:

SIR: There being a few of our wounded soldiers at Clinton and Jackson, Miss., and it being inconvenient for us to send them supplies at these places, I respectfully forward by flag of truce conveyances to

move them into Vicksburg, and earnestly request you to grant us this privilege as it will relieve both Governments of an unnecessary expense; and it being the duty of every good officer as well as every good government to provide as well as it can for the care of its wounded, I feel it my duty to send for these men, and trust that you will permit them to be brought to Vicksburg. Doctor Tompkins, in charge of flag of truce, is also desirous of obtaining the body of his brother-in-law, buried near Jackson, Miss. I trust you will permit him to bring it with him, as no inconvenience can arise to you, and it will be personally gratifying to him.

I have the honor to be, sir, very respectfully, your obedient servant,

J. McARTHUR,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE OHIO,
March 23, 1864.

Lieut. Gen. J. LONGSTREET,
Commanding Confederate Forces, East Tennessee:

GENERAL: In reply to your communication of the —, proposing an exchange of prisoners, I have the honor to inform you that I am now prepared to offer an exchange of citizens held as prisoners by the United States for an equal number of citizens held as prisoners by the Confederate authorities, and I inclose herewith lists of prisoners whose exchange is proposed.*

If you will accept this proposition and will send the prisoners within named within our lines, I will in return send those named within your lines, or release them with permission to remain within our lines if they prefer to so remain and there be no good reason for sending them beyond. If it should be found that any of those named in either list have been released, or exchanged, or are dead, then an equal number of other prisoners of the same character to be substituted for them.

You have a number of citizen prisoners in excess of those held by me. Permit me to suggest, in the interest of humanity, that this excess be paroled and sent within my lines. Their detention can do you cause no good nor mine any harm. Their release can do you no harm provided they be sent beyond your lines. If you determine upon this humane course toward the Union citizens of East Tennessee your action will not be forgotten, but will be reciprocated upon those claiming to be Confederate citizens who reside within the limits now occupied, or which by the chances of war may hereafter be occupied, by this army.

I have the honor to inform you that my authority does not extend to the exchange of military prisoners.

I have the honor to be, your obedient servant,

J. M. SCHOFIELD,
Major-General, Commanding.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
April 5, 1864.

Respectfully forwarded to the War Department with recommendation for exchange.

J. LONGSTREET,
Lieutenant-General, Commanding.

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* Omitted.

[Second indorsement.]

APRIL 21, 1864.

The Commissioner of Exchange, Mr. OULD:

What do you advise on this proposition?*

J. A. S.,
Secretary.

MEDICAL DIRECTOR'S OFFICE,
Richmond, Va., March 23, 1864.

General JOHN H. WINDER,
Commanding Department of Henrico, Richmond, Va.:

GENERAL: I respectfully request that you forward this communication, with inclosures, that it may be considered in connection with the report of Lieut. Col. George W. Brent and Surg. T. G. Richardson, Richmond, March 14, on the inspection of prison hospitals in Richmond.

I request that inclosures No. 3, No. 7, and No. 8, with indorsements, be perused before deciding the causes of the mortality at these prisons, and that especially the commissary abstracts for Belle Isle for the last four months be consulted. The great mortality and suffering among our prisoners has been a cause of constant anxiety and painful solicitude to me. Daily reports have been made to the general commanding and the Surgeon-General of the mortality, &c. Inclosures Nos. 1, 2, 3, 5, and 6 will show that I made requisitions on the proper authority for additional hospital accommodation, and named the Texas Hospital, General Hospital No. 10, General Hospital No. 20, General Hospital No. 23, in succession, as proper buildings. I also offered the Third Alabama Hospital when closed, and proposed to use for this purpose Howard's Grove Hospital, which has 1,150 beds, is temporarily closed, and is isolated from the city and all other buildings; or part of Chimborazo Hospital, which has 3,200 beds. I was informed that they could not be used for this purpose, as guard sufficient could not be furnished, and that only in buildings with several stories and few entrances could the sick and wounded prisoners be guarded with the force furnished. As it was, I know that quite frequent escapes occurred.

No. 2 is the action taken on the paper of Surgeon Wilkins, marked A. No. 6 is his application, marked B, with my reference and indorsements.

I brought the matter to the attention of the Surgeon-General in a personal interview, told him of the difficulties existing, and that I had represented the violation of hygienic laws in the prisons and prison hospitals without effect, and understood from his remarks that the matter was one of international policy and military control. There was an inspection made of the hospitals and prisons by the direction of the Secretary of War for the use of the agent of exchange. General John H. Morgan and a committee of escaped officers inspected them and a committee of Congress also, and they all reported favorably and approvingly. At this time I adopted the conviction that the existing state of things was known and approved by the Department for the purposes of diplomatic policy, or forced upon them by the stern necessities of the occasion. I lost no occasion to make known to the proper authorities the violation of ordinary hygienic laws, and while I looked upon the spectacle with great mortification, I was deterred from further remonstrances by a feeling that it was supererogatory, and might be understood as disrespectful. Large, well-ventilated, and completely

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*See Ould to Seddon, April 23, 1864, Vol. VII, this series.

organized hospitals near the city have been empty during the whole of this time. They were offered and refused. I dissent from the officers' report as far as the principal cause of mortality is stated to be the crowded condition of the hospital, and request that the inclosures Nos. 3, 7, and 8 be considered and the facts therein referred to be investigated and considered. (See note.) From the facts above considered I do not consider myself responsible for or compromised by the condition of things at the prison hospital. I will further state that since the sickness has increased to any extent I have had reasons constantly given me to believe that most of the prisoners would be soon removed from this city. Within the last few days the number of sick have been reduced to 800 by parole and within a few days the flag-of-truce boat will return and carry off 600 more. I did all I could by proper supply of officers and directions to them to avoid imputation that the medical department could legitimately be considered as compromised by or responsible for the existing regulations adopted by the necessities of military law. The medical officers were directed to show the sick and wounded Federals all kindness and consideration, and to give them all the care possible under the circumstances.

Very respectfully, your obedient servant,

WM. A. CARRINGTON,
Medical Director.

NOTE.—When the three hospital buildings were separate Confederate hospitals they contained 650 beds, room being left for store-rooms, kitchens, apothecary shops, mess-rooms, dining-rooms, bath-rooms, and offices. The officers' portion of the hospital also contained more than 100 beds, making 750 beds.

W. A. C.

[Inclosure No. 1.]

MEDICAL DIRECTOR'S OFFICE,
Richmond, November 20, 1863.

Surg. J. WILKINS, *in Charge of General Hospital No. 21:*

SIR: I fear that you have not proper accommodation for the sick and wounded under your charge. Please report the number of cubic feet now allowed each patient. I wish you to visit, with Captain Turner, the Texas Hospital, from which the sick and wounded have been removed, and report whether it can be well guarded and is otherwise eligible as a prison hospital.

Very respectfully,

WM. A. CARRINGTON,
Medical Director.

[Inclosure No. 2—A.]

GENERAL HOSPITAL NO. 21,
Richmond, Va., November 21, 1863.

Surg. W. A. CARRINGTON, *Medical Director, Richmond, Va.:*

SIR: In reply to your communication of the 20th instant I have the honor to submit the following report:

Hospital No. 21 contains 17,600 cubic feet. At this date there are 430 patients under treatment in said hospital, being about 410 cubic feet to the man. Hospital No. 22 contains 11,400 cubic feet. Two hundred and seventy-two patients are now under treatment, there being about 408 cubic feet to the man. The Second Alabama Hospital contains the same number cubic feet as Hospital No. 22, allowing 800 cubic feet to the man. The three hospitals will accommodate about

500 patients. This morning's report shows 977 in hospital. Captain Turner has visited the Texas Hospital and pronounces the building ineligible for a prison hospital because of the difficulty in guarding it. Please have turned over to me as soon as practicable either Hospital No. 20 or 23.

Very respectfully, your obedient servant,

JNO. WILKINS,
Surgeon in Charge.

[Inclosure No. 3.]

MEDICAL DIRECTOR'S OFFICE,
Richmond, November 21, 1863.

Major PEGRAM, *Assistant Adjutant-General:*

SIR: I have the honor to report that there are 1,296 sick Federal prisoners requiring hospital accommodation in this city. The present hospital accommodation will barely be sufficient for 800 men. I request that the buildings known formerly as General Hospitals Nos. 20 and 23 be secured by the quartermaster and opened as prison hospitals at once. The Texas Hospital which I designed opening is reported as unfit for this purpose from the difficulty of guarding it.

Very respectfully,

WM. A. CARRINGTON,
Medical Director.

[Inclosure No. 4.]

MEDICAL DIRECTOR'S OFFICE,
Richmond, December 3, 1863.

General WINDER, *Richmond, Va.:*

SIR: I have the honor to report that on inquiry at the Commissary-General's Office I was informed that an order had been issued by the Secretary of War to furnish the same rations to the prisoners as to the Confederate soldiers in hospital on the return of the surgeon in charge, and that application had been made that the same commissary that acted at the other C. S. hospitals should supply that for the Federals. The diversity of the duties required a division, and hence I propose to assign the troops on the island and barracks to the medical care of one surgeon and assistant surgeon, and the sick in the general hospital to that of another, both to be independent of each other, but under the military authority of the commandant of the prisons.

Very respectfully,

WM. A. CARRINGTON,
Medical Director.

[Inclosure No. 5.]

MEDICAL DIRECTOR'S OFFICE,
Richmond, December 18, 1863.

General WINDER, *Richmond Va.:*

SIR: I have the honor to report that the building known as General Hospital No. 10, or the U. S. Hotel, will not be used as a general hospital in future. It is very commodious and has been put in excellent order by the Government. I request that you have it examined to decide whether it cannot be used to advantage for other purposes of the Confederate States. Its proximity to Castle Thunder and its construction will fit it for offices and officers' quarters and I think for the

confinement of females, political prisoners, officers of the United States, and suspected persons who should be kept separate.

Very respectfully,

WM. A. CARRINGTON,
Medical Director.

[Inclosure No. 6—B.]

GENERAL HOSPITAL No. 21,
Richmond, December 16, 1863.

Surg. W. A. CARRINGTON, *Medical Director, Richmond, Va.:*

SIR: General Hospital No. 23 (Liggon's factory) is now under control of Captain Warner, assistant quartermaster. Captain Selph informs me that the upper story of building corner Twenty-first and Cary streets [is empty] and that the baggage now stored in No. 23 could be put in there. Please issue the necessary orders to have No. 23 cleaned out, so that I can get possession of the building as soon as possible, as I am much pressed for room. The admissions to hospital this month have averaged about fifty per day.

Very respectfully, your obedient servant,

JNO. WILKINS,
Surgeon in Charge.

[Indorsement.]

MEDICAL DIRECTOR'S OFFICE, *December 17, 1863.*

Respectfully referred to Captain Warner, assistant quartermaster. The delay in getting possession of the hospital has been productive of great suffering and probably an increase of mortality among the increased prisoners. The stores from the Florida and Texas Hospitals would, I think, be sufficient to fix the hospital at once.

W. A. CARRINGTON,
Medical Director.

[Inclosure No. 7.]

Report on the sanitary condition of Belle Isle and the causes of mortality among the patients by Surg. G. W. Semple.

MARCH 6, 1864.

Surg. WILLIAM A. CARRINGTON, *Medical Director:*

SIR: After inspection of the prison camp on Belle Isle I respectfully submit the following sanitary report:

Into the camp containing an area sufficient for the accommodation of about 3,000 men have been crowded for many months past from 6,000 to 10,000 prisoners. To prevent escapes they have not been allowed to visit the sinks at night. These deposits of excrement have been made in the streets and small vacant spaces between the tents. The streets are so greatly crowded during the day as greatly to interfere with the working police parties, so that nearly the whole day is consumed by them in the imperfect removal of the filthy accumulations of the night. The whole surface of the camp has thus been saturated with putrid animal matter. Surrounded by such circumstances the prisoners have been totally careless of personal cleanliness. The rations now consist entirely of bread, rice, and peas or beans. The bread is made of corn-meal, unsifted or bolted. Not separating the bran from the meal tends greatly to cause and continue the two diseases (diarrhea and dysentery) most prevalent among the prisoners. Many of them are badly clad and destitute of blankets, having sold the articles lately

furnished them by their Government. Under these circumstances, though they have been furnished with fuel, there has been great suffering from cold during the unusually cold weather of January and February, to which the brutal conduct of the prisoners in expelling their comrades from their tents at night has greatly added.

To the crowded and necessarily filthy condition of the camp, the absence of personal cleanliness of the prisoners, the meager rations, and the effects of cold may be added the depressing effect of long-continued confinement without employment, mental or physical, and with little hope of an early termination of the imprisonment, which together make up a sufficient sum of causes to account for the report during the month of February of a sufficient number of cases to amount to one-fourth the average number of prisoners in the camp. The diseases have been such, consisting principally of typhoid fever, diarrhea, dysentery, and catarrh and the diseases of the respiratory organs, as might be expected to result from the causes stated. But great as is this amount of disease, it is not greater than the average sickness among the U. S. troops in the field on the Atlantic coast, as reported by one of their own surgeons. Much difficulty has been experienced in procuring the regular attendance of the sick at sick-call. Patients have been brought out on litters, unable to walk and greatly emaciated, who have never before attended sick-call, and several deaths have occurred in camp without the prisoners having been seen by or reported to a medical officer, the sergeants in charge of squads alleging that they could not attend regularly to the duty of bringing the sick up to sick-call, because of the necessity of at the same time drawing and distributing rations. A sergeant has been selected from each squad to attend to this duty alone, and it is hoped that a more regular attendance of the sick at sick-call will thus be secured. There is not space enough in the camp to establish as large a temporary hospital as desired, but five hospital tents have been pitched, which afford the means of treating temporarily the sick ordered to general hospital when prevented by the rising of the river or ice or the non-attendance of ambulances from being sent. The overcrowding of the camp is now being rapidly reduced by transfers and exchange of prisoners. The number of prisoners being sufficently reduced, the irregularities of the surface of the camp are to be filled up and the ditches and drains cleaned out. I have recommended to the commanding officer, and shall urge it most strongly on his attention, to have a sufficient number of sinks dug within the camp to water, which rises within a few feet of the surface. In consequence of vaccination having been so generally practiced among the prisoners previous to their capture, it has been found impracticable to continue to propagate vaccination among them. But varioloid, which has prevailed to some extent, seems to attack indiscriminately those who have been vaccinated early in life and those recently vaccinated. The reports show a great diminution in the number of variola and varioloid cases, giving ground to hope they will soon cease. The commanding officer and his subordinates have done all within their power to carry out [what has been] suggested toward the sanitary condition of the camp, but the number of officers and the guard and police seem too small to re-establish and enforce such system of police as would enable the medical officers to discharge their duties with as much efficiency and satisfaction as amongst our own troops in the field.

Very respectfully, your obedient servant,

G. WM. SEMPLE,

Surgeon in Charge U. S. Prisoners on Belle Isle and in Barracks.

(Indorsement.)

MEDICAL DIRECTOR'S OFFICE, *March 8, 1864.*

Respectfully forwarded to the general commanding.

The causes of the mortality are clearly deduced from the fact here shown in relation to the diet and surroundings of the prisoners.

W. A. CARRINGTON,
Medical Director.

[Inclosure No. 8.]

GENERAL HOSPITAL No. 21, *Richmond, March 7, 1864.*

Surg. W. A. CARRINGTON, *Medical Director:*

SIR: In obedience to your order I have the honor to submit the following report of the deaths, diseases, and condition of the patients received into this hospital: The daily list of deaths is regulated by the number admitted each day from Belle Isle. During the past month twenty-five cases died before they had been in the hospital twenty-four hours. It is so common an occurrence for the patients sent from Belle Isle to be speechless or delirious and unable to give their names, &c., that I have requested the surgeon in charge, in addition to the list forwarded by the conductor of the ambulances, to pin their names, companies, and regiments of desperate cases on the lapel of their coats. The majority of cases die of chronic diarrhea. During the past month 337 cases suffering with this disease were admitted. The deaths from this disease during the month sum up to 265. Of typhoid fever cases for the last month 64.5 per cent. have died; from diarrhea 59.7 per cent. The commissary department for five weeks has not been able to furnish me with flour. The meal furnished in lieu thereof is ground with the husk and will produce diarrhea. I have ordered it to be sifted, but it is ground too fine to separate the husk from the meal. The medical purveyor does not furnish the hospital with a sufficient quantity of medicines. I made a requisition on the 1st of March, which has not been filled as yet. I would be most happy to receive suggestions from you in the treatment of diarrhea. I believe the medical officers have tried all known and approved remedies for the disease. In the case of other diseases, as pneumonia, &c., they generally occur in constitutions already enfeebled by diarrhea, and are generally in the second stage when admitted. In conclusion, the prominent character of all cases is emaciation.

Respectfully submitted.

JNO. WILKINS,
Surgeon in Charge.

[Indorsement.]

MEDICAL DIRECTOR'S OFFICE, *March 8, 1864.*

Respectfully forwarded to the general commanding.

The report of Surgeon Semple at Belle Isle and this is approved. The quantities and quality of the food, the crowded condition of the camp and hospital, the uncomfortable condition of the men from want of sufficient fuel, shelter, and clothing, and the depressing effect of homesickness account for the great mortality; 590 died out of 2,200 in hospital last month. I have placed a competent physician in charge of the hospitals and wards as report to me. The want of space for exercise increases the sickness.

W. A. CARRINGTON,
Medical Director.

OFFICE C. S. MILITARY PRISON,
Richmond, Va., March 23, 1864.

Brig. Gen. JOHN H. WINDER, *Commanding, &c.:*

GENERAL: I have the honor to inclose herewith a copy of Surg. John Wilkins' report on the sanitary condition of Libby Prison, dated September 5, 1863.* At that time all the sick, both officers and privates, were in hospital at the Libby. It will be seen that the doctor there thought the hospital referred to admirably adapted to the purposes for which it is used.

Your obedient servant,

TH. P. TURNER,
Major, &c.

WAR DEPARTMENT,
PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 24, 1864.

Maj. Gen. B. F. BUTLER,
Commanding, &c., Fort Monroe, Va.:

GENERAL: In reply to your application of the 20th instant you are hereby authorized to recruit and organize a regiment at Point Lookout, Md., to serve for three years or during the war.

The recruitment, musters, and organization must conform to the requirements of the mustering regulations of the Army. All appointments of officers will be made by the War Department, upon your recommendation.

Arms and other supplies will be furnished by the proper supply department upon your requisition.

I am, general, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fortress Monroe, Va., March 24, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts and present condition of Robert Vernon Hurst, Company B, Thirty-sixth Indiana Volunteers; Henry M. Collins, Fourth Iowa Volunteers; John Wise, Company D, Ninth Indiana Volunteers; William Nelson, sergeant, Company I, Tenth Wisconsin Volunteers; Archibald Cook, Fifty-first Illinois Volunteers?

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 24, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you inform me as to the whereabouts and present condition of George Henry Pendleton, executive officer of the U. S. steamer

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* See p. 262.

Montgomery, and twenty-eight of the crew of that steamer, who were captured along with him by Confederate cavalry near Georgetown, S. C., on the 7th of January last?

I have the honor to be, very respectfully, yours, &c.,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 4, 1864.

Maj. Gen. GEORGE H. THOMAS,
Comdg. Department of the Cumberland, Chattanooga, Tenn.:

GENERAL: Please understand my letter of the 19th instant, in relation to hospital stewards, as applying only to the case of Hospital Steward Charles Whilan. The rule will not be adopted as general until it is ascertained that it will be observed by the authorities at Richmond.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS, *Branchville, S. C., March 24, 1864.*

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: In accordance with Special Orders, No. 59, from Adjutant and Inspector General's Office, received March 22, I have the honor to make the following report: Number of Federal prisoners receipted for up to March 20, 6,488; number escaped, 12; number died, 2; number left sick on the way, 117.

Six escaped February 27 between Macon and Millen, Ga., during the night, by a hole cut in the end of the car. There was no light in the car, the train not being supplied with lights. Their names were not obtained. Six escaped March 20, near Windsor Station, South Carolina Railroad, at night, through a hole in the floor of the car, the train not being supplied with lights. Of these last, four have been recaptured, namely, John A. Provines, private Company H, Thirtieth Indiana Regiment; John Ryan, teamster, Fifteenth Army Corps; Hy. Johnson, teamster, Fifteenth Army Corps; one man whose name has not been obtained.

The names of the two others are unknown. One died March 15 at a wood station near Macon, Ga., and was buried there, no receipt being taken for the corpse. One died March 26 at Macon, Ga. The names of the two dead are unknown.

List of sick Federal prisoners left at Augusta, Ga., for medical treatment.*

In addition to above, fifteen convalescents, whose names were not obtained, were removed from Augusta to Andersonville, Ga., on the last trip. I would respectfully state that having originally received no instructions to that effect, the names, rank, &c., of prisoners who died, escaped, or were left on the road through sickness, have not been usually obtained by the officers in charge. Indeed, it is generally impossible to do so without such delay as would cause the failure of

* List omitted contains 102 names.

connection of trains, and in some instances prevent the return of the guards to this point in time for their next tour of duty. The sick have usually been delivered to the provost-marshal, Augusta, whose receipts, where time has been allowed to obtain them, have been forwarded to Adjutant and Inspector General's Office, Richmond. The list sent, though incomplete, is as perfect as could be obtained by reference to the various hospitals to which the sick had been transferred. I would also respectfully beg leave to state that on several occasions discrepancies have occurred between the number I have receipted for and the number delivered by my guard at Andersonville, Ga. This is owing to the crowded state of the cars (as many as seventy-one being sometimes placed in an ordinary box-car) and the imperfect means at my command for lighting them, which renders accurate counting at night very difficult.

Very respectfully,

F. T. MILES,
Captain, Commanding Guard, Branchville, S. C.

HOUSTON, *March 24, 1864.*

Major SPARKS or
COMMANDING OFFICER, *Austin:*

I am instructed by Major-General Magruder to say that for fear the troops from Gonzales may not reach Austin in time to escort the political prisoners to this city you are directed to send the prisoners to Houston without delay, using as a guard the detachment of men which formed their escort from San Antonio to Austin (Sneed's detachment), and in addition to this such available force as you may have at your disposal. The major-general is surprised to learn that these prisoners should have been allowed to pass out of the hands of the military authorities, as the habeas corpus act has been suspended in this case. The major-general commanding is of opinion that the prisoners should always have been under a military guard when not actually before court, and that even in this last case proper military arrangements should have been made to prevent an escape from the court-house. As the habeas corpus act in the case of these prisoners has been legally suspended under the act of Congress, and the same has been communicated to you, you will cause these prisoners to be taken in charge by a military guard, and have them sent under the same, in charge of good and reliable officers, to Houston, specific instructions being given by you that no efforts be spared to insure their safe delivery to the provost-marshal at this place. Military jurisdiction will be assumed at once in the case of these men, whether the case has been entered into or not, and they will be sent to Houston forthwith.

E. P. TURNER,
Assistant Adjutant-General.

WASHINGTON CITY, D. C., *March 25, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: On the 10th ultimo Major-General Butler, in a telegram to yourself, made an accusation against me of having made "gross misrepresentations" to you, and on the 19th of the month, in a communication to yourself, he accuses me of disingenuousness.

On the 12th of February I had the honor to address you a letter in reference to the telegram, and on the 3d instant I addressed another letter in reference to both the telegram and the letter from General Butler, in both of which I claim to have fully shown the wrong done me by General Butler in his accusations; and yet, although copies of my communications, as I understand, have been sent to General Butler, I do not hear that he has taken any notice of them.

The object of this letter, a copy of which I respectfully request may be sent to General Butler, is to assert my claim to a further notice of the subject by General Butler, and I feel at liberty to require that he shall either sustain his accusations or withdraw them. It would not be proper for me either to rest quietly under such imputations or permit him to maintain silence in regard to them after the receipt of my letters. As he found time to make the accusations it is not competent for him to urge the want of time, either to justify himself or relieve me from the odium he has been disposed to cast upon me, and I desire him to understand that I have a right to require either the one or the other, and I respectfully request you to allow me thus to require it at his hands.

No man has a right to throw vitriol into his neighbor's face and then fold his arms in silence as if not answerable for it.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Maj. Gen. of Vols. and Commissioner for Exchange of Prisoners.

WAR DEPARTMENT, *Washington City, March 25, 1864.*

Major-General BUTLER, *Fortress Monroe:*

Did you receive from this Department copies of two papers addressed to me by Major-General Hitchcock, one dated on the 12th of February and the other —— March, in relation to the telegram you sent me some time ago animadverting on him with some severity. They were directed to be sent you, but not hearing from you I infer that they have either miscarried or by some omission in the Department have not been sent. If not received by you I will forward copies.

EDWIN M. STANTON.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, March 25, 1864.

Major-General PICKETT,
Commanding Confederate Forces, Petersburg, Va.:

GENERAL: Your note to General Palmer fell into my hands.* I have found Watkins and he confesses to the appropriation of the money, $550 Confederate Treasury notes. He avers that he left the clothing in Petersburg. As the money was being sent by you to a U. S. officer, a prisoner of war, I take leave to return you the like amount.

I have the honor to be, very respectfully,

BENJ. F. BUTLER,
Major-General, Commanding.

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* Pickett's note not found.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 25, 1864.

Brig. Gen. A. SCHOEPF, *Commanding Fort Delaware, Del.:*

GENERAL: I have the honor to request you will inform Col. Basil W. Duke, a prisoner of war at Fort Delaware, in reply to his communication of the 11th instant, that a proposition for his exchange can not be entertained whilst so many others are entitled to precedence of him.

Very respectfully, your obedient servant,

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
OFFICE COMMISSIONER OF EXCHANGE,
March 25, 1864.

Col. C. C. DWIGHT, *Commissioner of Exchange on the part of Major-General Banks, U. S. Army:*

COLONEL: I am instructed by Major-General Taylor, commanding District of Western Louisiana, to call your attention to the cartel of January 4, 1864, entered into between you and myself, as commissioners, and that of December [12], 1863, between Colonel Molineux and myself in the same capacity, the latter of which was approved by Major-General Banks, commanding Department of the Gulf.

Under the provisions of the last-mentioned cartel I delivered to Major-General Franklin (on parole) about 450 prisoners of war, being the excess in the hands of Major-General Taylor over those in the hands of Major-General Franklin. Under the terms and provisions of the cartel of January 4, 1864, we mutually agreed to exchange as far as they would go the prisoners belonging to their commands respectively captured from each other's forces by those of Major-General Banks and Major-General Taylor. We have furnished each other with lists of the prisoners in the hands of the commanding generals whom we represent.

As a number of prisoners have been recently captured by the command of Major-General Banks from that of Major-General Taylor, who will, with those previously in your hands, probably exhaust the excess delivered to Major-General Franklin, I have to request, in behalf of Major-General Taylor, that you will deliver either at your own or our advanced outpost the prisoners in the hands of Major-General Banks captured from our army. The non-delivery of the officers and men captured at Fort Butler and elsewhere from Major-General Taylor's forces has prevented the delivery of the prisoners in our hands captured from Major-General Banks' forces prior and subsequent to the date of our cartel of January 4, 1864, but the delivery of these prisoners in accordance with the terms and spirit of that cartel will be made whenever you indicate the time and place for such delivery as provided in the same.

I have also to request that you will inform me if Capt. C. LeD. Elgee, acting assistant adjutant and inspector general on the staff of Major-General Taylor, commanding District of Western Louisiana, has fallen into your hands. He has been missing since the affair at James' Store, Bayou Cotile, on the night of Monday, 21st instant. If he is a prisoner I have to request, in behalf of Major-General Taylor, that he may be exchanged at once for any officer whom you select of similar

grade who may be in our hands or on such other terms as are conformable to usage and previous exchanges.

I am, colonel, very respectfully, your obedient servant,

WILL. M. LEVY,
Major and Commissioner of Exchange
On the part of Major-General Taylor, C. S. Army.

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
Petersbury, Va., March 25, 1864.

General S. COOPER,
Adjutant and Inspector General C. S. Army:

GENERAL: I have the honor to inclose copy of letter from General J. J. Peck and my answer to same, and am, general,

Very respectfully, your obedient servant,

G. E. PICKETT,
Major-General, Commanding.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF NORTH CAROLINA,
March 15, 1864.

Maj. Gen. J. J. PECK,
Commanding U. S. Forces, New Berne, N. C.:

GENERAL: The communication you have done me the honor to address, under date of February 27,* is at hand. Having nothing in it which, as I conceive, has any noticeable bearing upon the matters first advanced by you, and being, in fact, merely an opinion of your own, intended entirely to gain favor with your superiors at your seat of Government, I merely deem it necessary to acknowledge its receipt.

I am, general, very respectfully, your obedient servant,

G. E. PICKETT,
Major-General, Commanding.

AUSTIN, *March 25, 1864—11 p. m.*

[General J. B. MAGRUDER:]

MY DEAR GENERAL: I write this letter directly to you, as I desire to say several things which I could not well write in an official communication. The courier arrived this morning with letters to me, and orders to the commander of this post, which of course changed the programme we had decided upon in regard to the political prisoners, who are now in Austin. The attorneys appointed by the court and myself had been laboriously engaged upon the testimony ever since Monday last, and had pretty well come to the conclusion that we would be able to convict the whole five of them of treason, when your order received this morning required Major Sparks to take the prisoners out of the hands of the sheriff and the possession of the supreme court, and carry them at once to the city of Houston. Feeling the importance of avoiding any conflict with the civil authorities, particularly in the first attempt to act under the late law, suspending the writ of habeas corpus, I had Major Sparks to make an oath to the nature of the order he had received, and with a letter directed to the supreme court, asking that the prisoners be delivered to the military authorities. These two papers, with your letter to me, to be read to the court, I had filed when the case was called this

* See Series I, Vol. XXXIII, p. 869.

morning, and upon them made a motion that the prisoners be delivered to the commander of the post. It being a grave matter to be considered, the court took until to-morrow morning to decide upon it. I sent word immediately to the commander of the post not to arrest the prisoners until the court had decided the matter before it, but he having positive orders from you, and feeling himself held responsible for the prisoners, arrested and took the prisoners into custody about 12 o'clock m. This course created a great deal of excitement, and the supreme court attached the commander of the post for contempt, while the Governor of the State wrote several communications to Major Sparks upon the illegal course he had pursued. The whole affair was unfortunate, and I had much difficulty in finally arranging matters satisfactorily to all parties. Your order to Sparks contained the following words, viz: "You will yourself disregard the present writ of habeas corpus or any writ which may subsequently be issued," &c. Sparks was determined to obey it, and the Governor and the supreme court were determined to have the prisoners back. In this state of affairs after having had several conferences with the Governor and several with Sparks, and having taken counsel with Messrs. Ford and Robards, I gave to Major Sparks a written opinion, the substance of which was that the prisoners having been turned over to the civil authorities and being in the custody of the supreme court when arrested to-day, ought to be returned to the sheriff until the matters in their case were settled and adjudicated, he furnishing a sufficient guard to prevent escape or any harm being done them by a mob. Upon that opinion being given, Major Sparks wrote to the Governor expressing his willingness to return the prisoners, with a guard which he should furnish, which proposition was satisfactory to the Executive of the State. Thus the matter stands to-night. To-morrow morning we propose to discuss the motion I made to-day to remand the prisoners into the custody of the military authorities. If the motion is not entertained by the court we shall introduce no evidence, but let the supreme court discharge them, so that they may be arrested by Major Sparks under the orders you have given him. If they sue out another writ of habeas corpus, the return can set forth that they are held in custody by the order of the lieutenant-general commanding the Department of the Trans-Mississippi.

I hope I have acted in accordance with your views, after having read what I have written. Of one thing I am certain, the course which has been pursued is the only one we could think of to prevent an ugly collision between the civil and military authorities. I am satisfied that the course pursued by Sparks, if persisted in, would have been productive of bad results, though, like a good officer, he was determined to obey the orders he received promptly. It was apparent to me, however, that you did not exactly know the position of affairs, and had not scrutinized the recent act of Congress closely. The law nowhere contemplates the taking from a judicial tribunal parties who may be before it on a writ of habeas corpus, and if my construction of the law is correct, in all the cases enumerated in the law, the writ may issue, but if the return upon it shows that the prisoner is held in custody by authority of any of the persons and for any of the offenses mentioned in the act, then all proceedings cease.

I sincerely hope that this matter will turn out all right and the prisoners be safely secured after the court shall have acted.

I will keep this letter open to add a line in the morning if anything occurs.

Very respectfully, your obedient servant,

HORACE CONE.

MARCH 26, 1864—10 a. m.

The supreme court have refused to receive the prisoners in charge of the military guard and insist that they shall be returned without any conditions. I have advised this course. The judges, in a conversation with me this morning, intimated that as soon as the court had made a decision then the military could carry out their views according to law.

You may depend upon it, general, that if these men escape from the sheriff's guard, they will never trouble the civil or military authorities again.

I have taken the responsibility to act as I have done believing it to be the best course, and one which will preserve your influence in the State and avoid unpleasant difficulties between the authorities.

Very respectfully, your obedient servant,

HORACE CONE.

FORT MONROE, *March 26, 1864.*

Hon. E. M. STANTON, *Secretary of War:*

I have received no papers referred to me from General Hitchcock upon the subject of my confidential telegram to you relative to the exchange of prisoners. I should be glad to receive copies mentioned.

BENJ. F. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT, *Washington City, March 26, 1864.*

Major-General BUTLER, *Fortress Monroe:*

The papers referred to do not relate to the dispatch marked "confidential," but to the one of the 10th of February in reply to General Hitchcock's letter. Copies will be forwarded.

EDWIN M. STANTON,
Secretary of War.

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., March 26, 1864.

Col. W. HOFFMAN, *Commissary-General of Prisoners:*

COLONEL: I have the honor to transmit herewith the proceedings of a board of officers assembled at this post to investigate and report the facts and circumstances connected with the shooting of a prisoner of war named Peyton by Sergt. Edwin Young, Second Regiment New Hampshire Volunteers, on the 20th instant.

I regret the affair exceedingly, but there appears to have been nothing in the conduct or language of Sergeant Young to occasion the violent abuse which he received from the deceased. I believe Sergeant Young's statement to be true. He is a brave man, and so far as I know has always performed his duties in the prisoners' camp acceptably and well.

I have the honor to be, very respectfully, your obedient servant,

G. MARSTON,
Brigadier-General.

[Inclosure.]

Proceedings of a board of officers convened at Point Lookout, Saint Mary's District, Md., by virtue of the following order:

HEADQUARTERS SAINT MARY'S DISTRICT,
Point Lookout, Md., March 21, 1864.

A board of officers will assemble at this post on the 22d day of March instant, at 10 o'clock in the forenoon, or as soon thereafter as practicable, to investigate and

report the facts and circumstances connected with the shooting of a Confederate officer, a prisoner of war, by Sergt. Edwin Young, Company A, Second Regiment New Hampshire Volunteers, on the 20th day of March instant.

Detail for the Board: Col. Charles E. Hapgood, Fifth New Hampshire Volunteers; Maj. Samuel P. Sayles, Second New Hampshire Volunteers; Lieut. H. Q. Sargent, Twelfth New Hampshire Volunteers.

By command of Brig. Gen. G. Marston:

J. N. PATTERSON,
Captain and Provost-Marshal.

HEADQUARTERS FIFTH NEW HAMPSHIRE VOLUNTEERS,
Point Lookout, Md., March 22, 1864—10 a. m.

The Board met pursuant to the above order. Present: Col. Charles E. Hapgood, Fifth New Hampshire Volunteers; Maj. Samuel P. Sayles, Second New Hampshire Volunteers; Lieut. H. Q. Sargent, Twelfth New Hampshire Volunteers. Sergt. Edwin Young, Company H, Second New Hampshire Volunteers, was also present.

The order convening the Board having been read aloud by the recorder, Sergeant Young stated that he had no objection to any member named therein.

The Board were then duly sworn by the recorder, and the recorder was duly sworn by the president.

Lieut. JOSEPH H. WILKINSON, Second New Hampshire Volunteers, was then called before the Board, and being duly sworn, testified as follows:

I am commissary to prisoners of war at this post. On the evening of the 20th instant, at about 5 o'clock, learning that some Confederate officers, prisoners of war, had arrived, I went into their camp to find out in regard to their rations. I found them grouped together in lots of six or eight. After having ascertained all I wanted to know, I was passing out of the camp when I saw Captain Peyton, a Confederate officer, in a controversy with some of his comrades in regard to the settlement of some debt. He had in his hand a $1 bill which he called a "greenback." He was swearing very heavily in regard to that being the right amount which was his due.

He stated that he would be damned if he would take a $1 bill with the profile of "Abe Lincoln" upon it, and insisted upon the man from whom he received it taking it back. I was tempted to remonstrate with him in regard to his conduct and language, but afterward thought he was irritated and it might not be best to do so. I immediately left the camp and went to my own quarters in the camp for privates and non-commissioned officers. Before reaching them I heard the discharge of a pistol. I returned immediately to the officers' camp and saw the officer of the day going down the street where the body lay. I followed the officer of the day down to where the body lay, and think he was just breathing his last.

All that I have here stated I think took place in the space of five minutes. I have no doubt but that the officer who was shot was in a state of excitement when he came in contact with Sergeant Young. I suggested that they put the body in the cook-house, and afforded them all the facilities required to watch over it during the night.

In a conversation in the evening of the same day, at about 8 o'clock, with two of Captain Peyton's comrades, I remarked to them that I thought he was a little under the influence of liquor. They admitted that he might have had something to drink. I went in again at about 9 o'clock with Doctors Thompson and Russell, who examined the body. I asked his comrades if they required anything more for their comfort. They said no, and I left them.

I know of no way by which Captain Peyton could have obtained liquor at this post, and it was only on account of his excited state that I thought he might have been taking some.

I know of no Union officers or soldiers that were present at the time the Confederate officer was shot. I did not hear any conversation at any time between the officer that was shot and Sergeant Young. The name of the Confederate officer that was shot I understood to be Captain Peyton.

I would further state that I have always regarded Sergeant Young as a young man possessing an exemplary, mild temper, and I was surprised on learning that he was the one who had shot Captain Peyton. This reputation in favor of Sergeant Young I think can be sustained by prisoners in camp with whom he had to do.

Surg. JAMES H. THOMPSON was duly sworn, and testified as follows:

I am surgeon in charge of prisoners-of-war camp at this post. At about 8 o'clock in the evening of the day of the arrival of Confederate officers, prisoners of war, I was notified by the medical director that a Confederate officer had been shot, and he requested me to make an investigation. I called at the office of Captain Sides, who had charge of prisoners' camp, and made inquiries, and there learned that a captain had been shot some two hours previously and died almost instantly. While in the office, the officer of the day, in company with Doctor Russell and myself, went to the cook-house in the officers' camp and found the body. I found a penetrating wound of the chest, caused, I should judge, by a pistol slug or ball. The wound penetrated the sternum at the right side, between the third and fourth ribs, passing obliquely toward the right and lodging just underneath the skin of the back, between the fourth and fifth ribs, near and on the left of the vertebræ column. The right auricle of the heart and the descending aorta lay in the course of the wound. No further post mortem was made. From the direction of the wound I should judge that the person firing the piece must have been taller than the person shot, or that the piece was depressed. I have no doubt whatever that this wound was the cause of his death.

I was not at that time, nor am I at present, in charge of the officers' camp, but made the examination at the request of the medical director.

The Board then adjourned at 12 o'clock m., to meet again at 2 o'clock this p. m.

2 O'CLOCK P. M.

The Board met pursuant to adjournment.

Present: All the members. Sergeant Young was also present.

H. B. DUNLAP, first lieutenant, Tenth Kentucky Cavalry, a prisoner of war, was then duly sworn, and testified as follows:

On the 20th of March, the day of our arrival here, as I was walking with Captain Peyton, arm in arm, I saw a sergeant (whom I recognize as the one now present), and I remarked to Captain Peyton, as we had been confined a long time, I should like to get some whisky. We both then approached the sergeant, who was in our camp, and asked the sergeant if there would be any chance to get some whisky, and I think I touched him on the shoulder. The sergeant said no; he reckoned not. I saw he did not wish to get it for us, and he gave us so to understand. Captain Peyton had been drinking in the morning on the boat before we arrived here.

Captain Peyton remarked to the sergeant something about a fanatical philanthropist and guessed he would get to heaven, or something to that effect.

Captain Peyton then said to the sergeant, "Which would make the best soldiers, you or the negroes?" The sergeant laughed and replied, "The niggers make better guards than we do." Peyton then in a sarcastic way said, "Yes, I suppose the negroes are superior."

The sergeant replied that he might talk to some men that way, but he could not to him.

Peyton said, "Yes," he could "talk to any one that way." The sergeant said no, he must not. Peyton then used some oath, but I could not tell what it was. The sergeant then made a demonstration to draw his pistol. Peyton saw him do so and said to him, "God damn you, shoot," or words to that effect.

The sergeant said he would if he didn't "dry up."

Then Peyton told him to shoot and the sergeant drew his pistol and presented it. I then stepped between them and took hold of Peyton and begged the sergeant not to shoot and he put up his pistol, and I thought he was going off. I then caught hold of Peyton's arm, and tried to get him to go to our tent, but Peyton said, "No, I won't; if he wants to shoot, let him shoot."

I then concluded, Peyton being a brave man, to let them alone and I stepped aside. I thought the sergeant would shoot and I didn't care about being shot myself.

I then caught hold of Peyton's arm again and tried to get him away, but Peyton said, "No, God damn him, if he wants to shoot, let him shoot."

The sergeant then drew his pistol and as he drew it Peyton bared his breast, and the sergeant shot him. I saw that he was dead, or had the appearance of dying immediately and I called for Lieutenant Hayes, who is a doctor at home, and he came up and said he was dead. The sergeant stood about six or eight feet from Captain Peyton when he shot him.

After the sergeant fired he walked off immediately.

Captain Peyton appeared very cool and he was not of an excitable nature. I don't think he was under the influence of liquor sufficient to affect his judgment. Peyton stated to me that he had been commissioned by Colonel Duke as captain, but had no command; but it is not generally believed that he was a commissioned officer. I should judge that he was from twenty-eight to thirty years old.

Peyton was a very determined, self-willed man. The sergeant appeared to be in good humor and manifested no desire to continue the conversation, but rather to bring it to a close.

S. N. COWAN, second lieutenant, Sixth Kentucky Cavalry, a prisoner of war, was duly sworn and testified as follows:

I recognize the sergeant now present as the one who shot Captain Peyton on Sunday evening last.

I heard Captain Peyton ask the sergeant if he was from the Bay State. The sergeant said, "No, he was from New Hampshire." Captain Peyton replied that he was a fit subject to associate with that guard, pointing toward the colored guard that were on duty about the camp.

The sergeant replied, "You may talk to some men that way, but you can't to me." Several words passed between them (I couldn't hear what it was), and the sergeant drew his pistol, when Lieutenant Dunlap, who was present, requested him not to shoot.

Captain Peyton said, "He won't shoot; he daren't shoot," when the sergeant put up his pistol.

Some more words passed between them which I cannot remember, when the sergeant drew his pistol again and shot him.

Captain Peyton appeared to be very cool; he was not an excitable man. I understood that he had been drinking that day, but could not tell whether he was under the influence of liquor at that time or not.

Capt. AUGUSTUS D. SANBORN, Fifth New Hampshire Volunteers, was duly sworn, and testified as follows:

I was field officer of the day on Sunday the 2d instant. I was at the head of the street, in the officers' camp, on the evening of that day, about fifteen minutes after their arrival, when I heard a shot. I looked around to see if it was any of the guard. At that instant Sergeant Young came up to me and said, "Captain, I have shot a man while in the line of my duty." I replied, that is all very well, and then went off down the street where the officer lay that was shot; he didn't breathe more than half a dozen times after I saw him.

There was an officer there who seemed to be his friend, and he said, "Captain, would you like to hear how this occured?" I told him "I would like to hear what he had to say in regard to it."

He said as near as he could find out it was on account of the negroes being on guard, whom this officer, who was shot, said were far superior to the sergeant.

He said the sergeant replied that he could not hear such talk while he was on duty at the camp. He said he spoke to the sergeant, and told him he better put up his revolver, and the sergeant did. Then the officer which he shot started toward the sergeant with his fists doubled up and shaking them in his face. He said the officer stepped back and bared his breast and dared the sergeant to shoot him. He told me that the officer who was shot was a captain.

I reported the case to headquarters in my official report the next morning, and Sergeant Young told me that he reported to the general immediately after the occurrence.

The Board then adjourned to meet again at 9 o'clock a. m., to-morrow, the 23d instant.

HEADQUARTERS FIFTH NEW HAMPSHIRE VOLUNTEERS,
Point Lookout, Md., March 23, 1864.

The Board met pursuant to adjournment.

Present: All the members. Sergeant Young, Company A, Second New Hampshire Volunteers, was also present.

The proceedings of yesterday were read aloud by the recorder and approved.

Capt. J. N. PATTERSON, provost-marshal, was then called before the Board, and being duly sworn, testified as follows:

The name of the prisoner of war who was shot at this post on Sunday, the 20th instant, is borne on my rolls as L. R. Peyton, private of Duke's regiment. He

arrived here on the evening of that day with a lot of Confederate officers, and was reported by the officer who came in charge as being a doctor.

Sergt. Edwin Young then presented a written statement, which was duly examined by the Board, and is appended to these proceedings as a document marked A.

The Board would respectfully submit the foregoing evidence and statement as all the facts and circumstances bearing upon the case in question.

CHAS. E. HAPGOOD,
Colonel Fifth New Hampshire Volunteers, President.
H. Q. SARGENT,
Lieutenant, Twelfth New Hampshire Volunteers, Recorder.

The Board having no further business before it then adjourned sine die.

CHAS. E. HAPGOOD,
Colonel Fifth New Hampshire Volunteers, President.
H. Q. SARGENT,
Lieutenant, Twelfth New Hampshire Volunteers, Recorder.

HEADQUARTERS FIFTH NEW HAMPSHIRE VOLUNTEERS,
Point Lookout, Md., March 25, 1864—10 a. m.

The Board reassembled pursuant to the following order:

SPECIAL ORDERS, No. 82. } HEADQUARTERS SAINT MARY'S DISTRICT, *Point Lookout, Md., March 24, 1864.*

The board of officers detailed by order of March 21, 1864, to investigate and report the facts and circumstances connected with the shooting of a Confederate officer, a prisoner of war, by Sergt. Edwin Young, Company A, Second New Hampshire Volunteers, on the 20th instant, will reassemble at this post on the 25th instant at 10 o'clock in the forenoon to report the facts and circumstances connected with the shooting of said officer which they may find established by the evidence taken.

By command of Brig. Gen. G. Marston:

J. N. PATTERSON,
Acting Assistant Adjutant-General.

Present: Col. Charles E. Hapgood, Fifth New Hampshire Volunteers; Maj. Samuel P. Sayles, Second New Hampshire Volunteers; Lieut. H. Q. Sargent, Twelfth New Hampshire Volunteers.

In accordance with the foregoing orders the Board proceeded to deliberate upon the evidence adduced, from which it appears that the following facts are established, viz:

That Private L. R. Peyton, of Duke's regiment, a prisoner of war, was shot to death while in the camp for Confederate officers at this post at about the hour of 5 o'clock on the evening of the 20th of March, 1864, by a pistol slug or ball, which pistol was in the hands of Sergt. Edwin Young, Company A, Second New Hampshire Volunteers, said sergeant being on duty at this time in said camp, and that Sergeant Young was urged to this act by profane and insulting language and violent gestures by the said Peyton.

It further appears that the said Peyton, prisoner of war, arrived at this post in the afternoon of the same day that he was shot; that he had drank liquor on the boat from Baltimore to this place on that day, but at the time of the occurrence of the case in question it does not appear that he was under the influence of liquor sufficient to affect his judgment.

It is also evident that the language and gestures used by Peyton were unprovoked by any act or word of Sergeant Young, and furthermore that Sergeant Young possesses a mild temper and that his treatment of prisoners of war has been uniformly kind.

The Board respectfully submit the foregoing as the facts established by the evidence taken.

CHAS. E. HAPGOOD,
Colonel Fifth New Hampshire Volunteers, President.
H. Q. SARGENT,
Lieutenant, Twelfth New Hampshire Volunteers, Recorder.

The Board then adjourned sine die.

CHAS. E. HAPGOOD,
Colonel Fifth New Hampshire Volunteers, President.
H. Q. SARGENT,
Lieutenant, Twelfth New Hampshire Volunteers, Recorder.

A.

POINT LOOKOUT, *March 23, 1864.*

To the BOARD OF COMMISSIONERS:

GENTLEMEN: My name is Edwin Young, second sergeant Company A, Second New Hampshire Volunteers. I enlisted the 22d of May, 1861, since which time I have been in the U. S. service and have performed the duties of my office faithfully, in testimony of which I refer you to my company and regimental officers. For the past six months I have been on detached service at prisoners' camp as sergeant in charge of two divisions of prisoners, and as you are well aware it has brought me in contact with a great many different kinds of persons. I have uniformly treated the prisoners with kindness and with all leniency compatible with my duties as a soldier, and am satisfied that by inquiries among the prisoners who have had any kind of intercourse with me they will satisfy you that I never have treated any one with undue harshness or taken advantage of their situation as prisoners.

In the course of my duties I was called on last Sunday, March 20, by Captain Sides to assist him in providing some prisoners who had just arrived with tent accommodations, and after fitting up a stove in one of the tents, I came in contact with two Confederate officers who approached me and asked if I could get them some whisky, using these words: "You look like a damned old whisky head," and "can't you get us some whisky." I told them I did not use the article, and the authorities did not allow it on the Point. One of them, Captain Peyton, said: "Do not make a God damn fool of yourself here, you fanatic philanthropist, or you will go to heaven." Whilst he was making this last remark I was busy placing a piece of tent in its place, and after having done so was again addressed by him with "We have got greenbacks, and you will get it for us." I smiled and told him "no." He said: "You are a fit subject to be here," and asked me which made the best soldiers, "you or the negroes?" I told him "they made the best of guards," and in reply he said the negro was superior to the Yankee, and that all we ever knew we learned from them. I then asked him which way he meant. He asked me if I was a Bay State man. I told him no, I was a New Hampshire man. He said so much the worse, and I was a fit subject to associate with them, pointing to the guard who were walking on the fence. I then told him he could talk that to some men, but not to me while doing my duty. He then said if I did not like his talk I could leave, at the same time stepping toward me. I told him I should not, at the same time putting my hand on my revolver, drawing it from its case. He told me I did not dare to shoot. I told him I would if he did not dry up. At the same time Lieutenant Dunlap stepped between us, and told me not to shoot and to put up my

revolver. I immediately did so, he taking Captain Peyton by the arm to lead him off, and I turned to go away, but he followed me, and shaking his fist at me telling me I did not dare shoot, and was a coward. I immediately drew my revolver and told him I would, immediately upon which he threw open his coat, and placing himself in a defiant position dared me to shoot, upon which I cocked my revolver and fired, the ball taking effect upon his person, when he immediately fell. As soon as I saw the effect of the shot I hastened to report to the officer of the guard, but seeing the officer of the day (Captain Sanborn), Fifth New Hampshire Volunteers, reported to him that I had shot a Confederate officer in the discharge of my duty. He said, "All very well," and he immediately went to ascertain the facts.

After informing Captain Sanborn I immediately proceeded to headquarters and reported to General Marston in person, stating to him the particulars of the case. He told me to go back and continue in the discharge of my duties, which I did, and have continued to do to the best of my abilities both before and since the unfortunate occurrence, and an invesigation having been ordered in regard to it, I have thought proper to offer you the within truthful statement, to which I am willing and ready to swear to, and believing that you will give it a proper investigation, and relying upon your justice, I have the honor to subscribe myself,

Yours, respectfully,

EDWIN YOUNG,
Second Sergeant Company A, Second New Hampshire Volunteers.

Sworn and subscribed to before me this 23d day of March, 1864, at Point Lookout, Md.

H. Q. SARGENT,
Lieutenant and Judge-Advocate, General Court-Martial.

[First indorsement.]

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 30, 1864.

Respectfully submitted for the information of the Secretary of War.

The circumstances as shown by the proceedings of the board of officers fully justify the act of Sergeant Young. While in the execution of his office he was grossly insulted and defied by a prisoner of war, and it was only after this was persisted in without provocation that he was compelled to vindicate himself and the position he held in a manner which resulted so seriously to the offender.

W. HOFFMAN,
Colonel Third Infantry and Commissary-General of Prisoners.

[Second indorsement.]

GENERAL [HITCHCOCK]: This does not appear satisfactory to me. In the relation that existed between the sergeant and unarmed prisoner, the killing was, in my judgment, entirely unjustifiable.

The sergeant should be put on his trial for murder.

ED. R. S. CANBY.

[Third indorsement.]

WASHINGTON, *March 31, 1864.*

It is of vital importance that guards over prisoners of war should be protected in the execution of their duty.

In this case, if the sergeant had ordered the rebel under guard and he had refused obedience, his death would clearly have been a case of justifiable homicide. A military commission might so decide under the circumstances presented in these proceedings, but inasmuch as these proceedings appear extrajudicial (*vide* the last clause of the Ninety-Second Article of War), I am of opinion that the case should be submitted to the judgment of a military commission.

E. A. HITCHCOCK,
Major-General of Volunteers, Commissioner for Exchange.

[Fourth indorsement.]

WAR DEPARTMENT, *April 6, 1864.*

Respectfully returned to the Commissary-General of Prisoners.

By direction of the President a court of inquiry will be assembled at Point Lookout to investigate the facts connected with the killing of the prisoner Peyton.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[MARCH 27, 1864.—For report of Capt. Joseph H. Little, First Missouri State Militia Cavalry, of the summary trial of three bushwhackers and the execution of two of them, and remarks, April 3, 1864, of Brig. Gen. E. B. Brown, U. S. Army, commanding Central District of Missouri, see Series I, Vol. XXXIV, Part I, p. 856, and Part III, p. 32.]

HDQRS. DISTRICT OF NATCHEZ, MISS., *March 27, 1864.*

Captain OWEN, C. S. Army,
Commanding Post of Woodville:

CAPTAIN: I am to-day shown a letter from Colonel Dillon to yourself, in which Mrs. Richardson, of Woodville, is threatened with severe measures unless she obtains the release of one G. W. Brown from irons. I regret that this lady should be placed in peril for acts for which, I assure you, she is in no way responsible, as the ironing took place before she arrived in this city.

Information reached me that Mr. Richardson had been taken prisoner by your forces and murdered, on information of Mrs. Brown, mother of prisoner, that Richardson had given information to our troops when in Woodville that led to the capture of a party of your men, which information, I am well assured, was incorrect, as the information was given by another man.

Mr. G. W. Brown is now held as a hostage for the safety of Mr. Richardson.

If Mr. Richardson is alive, on your satisfying me of the fact, Mr. Brown will be released from irons and treated as a prisoner of war, otherwise he will be executed in retaliation.

If your authorities are willing, I will exchange Mr. Brown for Mr. Richardson under flag of truce any day you wish.

I would respectfully add that if your authorities further distress this defenseless woman I will retaliate tenfold on your friends in this city.

Very respectfully, &c.,

J. M. TUTTLE,
Brigadier-General, Commanding.

HEADQUARTERS NINETEENTH ARMY CORPS,
OFFICE INSPECTOR-GENERAL,
In the Field, March 27, 1864.

Maj. WILLIAM M. LEVY, C. S. Army,
Commissioner of Exchange:

MAJOR: I have the honor to acknowledge the receipt, by flag of truce to-day, of your communication of the 25th instant, calling attention to the delay which has occurred in carrying out the provisions of our cartel of January 4, 1864.

In reply I have to say that failure on our part has been due as to those prisoners taken at "Fort Butler and elsewhere," who had been senth North, to the fact that although application was duly made for their return to this department to be exchanged, yet that up to this time it has been found impracticable to procure their return; and as to those prisoners detained in the city of New Orleans, to the fact that the smallpox has existed among them, and it was not deemed proper to forward any of them until all danger of the contagion of that disease should be at an end. I am happy to state that this disease is now wholly eradicated from among them, and it is only the immediate pendency of the present military movements which has prevented their being forwarded before this date.

I am now instructed by Major-General Banks to say that all the prisoners of war captured up to this time by him from the command of Major-General Taylor, and held by him within this department, including those taken at Fort De Russy and at James' Store, will be immediately collected and forwarded by steamer to be delivered to you at some point on Red River above Alexandria, if such arrangement shall be agreeable to Major-General Taylor, to be exchanged for those prisoners now held by the latter; and it is hoped that as we shall thus have in our hands prisoners exceeding in number those now held by you and those delivered by you as an excess under the cartel of December, 1863, it would be convenient for you to deliver to us at the same time, to be returned by the same steamer, all the prisoners now held by Major-General Taylor taken from the command of Major-General Banks. Capt. C. LeD. Elgee is in our hands, a prisoner of war, and unhurt; he will of course be included in the exchange above proposed.

The letter to his address inclosed in yours of the 25th shall be duly delivered.

I have also the honor to state that I have procured from the commissary of prisoners in New Orleans the information that the six enlisted men of the Twenty-sixth Louisiana Regiment, named in your communication of February 25, as having been arrested when upon their parole, given at Vicksburg "are now, and have been for some time on their paroles, four at their homes in Thibodeaux and two in the city of New Orleans."

I am, major, very respectfully, your obedient servant,
CHAS. C. DWIGHT,
Colonel and Acting Assistant Inspector-General.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, March 28, 1864.

Colonel HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to call your attention to the fact that I have just received a communication from General Marston, command-

ing at Point Lookout, transmitting a copy of the "Proceedings of a board of officers"* convened at this point, to investigate and report the facts and circumstances connected with the shooting of a prisoner of war, named Peyton, on the 20th instant.

The Board was convened and the original proceedings forwarded to Colonel Hoffman, agreeably to an order issued by direction of the Secretary of War dated the 17th instant.

It would seem that this order was issued directly to General Marston without having passed through these headquarters.

It would tend greatly to the regularity of business if communications to the officer commanding the prisoners' camp at Point Lookout could take the usual and ordinary course prescribed by the Regulations of the Army. If the usual course had been taken in this instance, perhaps, the "Findings of the Board of Inquiry" would have been more satisfactory. If it had been composed of officers selected by the commanding general—not from the regiment immediately in charge of the prisoners of war, each of whom may be subjected to a like investigation for a like act, and be supposed, therefore, to have a fellow-feeling—and in saying this, I in no manner mean to impugn the probity or propriety of action of the present Board—it might have been more satisfactory. But as I have not been noticed in the proceeding, of course I have not examined it.

But it seems to me that in the very delicate matter of inquiring into the taking of the life of a man, especially a prisoner of war, which may be misrepresented to our rebel enemies and lead to attempted retaliation, it should appear that the facts were found by a board which, like Cæsar's wife, should be beyond suspicion.

I know I have but to call your attention to this, which I deem an irregularity, to prevent its recurrence in the action of so good a soldier.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 28, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts and present condition of William H. Kitching, who was taken prisoner while in command of a picket-boat, from the U. S. gun-boat Nipsic, on the night of the 26th of February last, near Charleston, S. C.?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

SAINT LOUIS, MO., *March 28, 1864.*

Col. WILLIAM HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

The prisoners of war at Gratiot Street Prison ought to be sent away immediately. The prison is overflowing and can thus be relieved for the present.

W. S. ROSECRANS,
Major-General.

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*See p. 1097.

WASHINGTON CITY, D. C., *March 28, 1864.*

Hon. EDWIN M. STANTON, *Secretary of War:*

SIR: In reference to the cartels forwarded by Major-General Banks, with his communication of the 2d of February last, and the correspondence in connection with them, I have to observe that the cartel agreed upon at Haxall's Landing, on James River, Va., on the 22d of July, 1862, between Major-General Dix, on the part of the Federal Government, and Major-General Hill, "C. S. A.," published in General Orders, No. 142, of September 25, 1862, having never been by authority abrogated, though temporarily suspended in its action, because of violations of it by the rebel authorities, should be considered as so far operative as to prevent the adoption of any other than local agreements for exchange between generals mutually opposed to each other in the field.

I respectfully suggest that the cartels submitted by General Banks be regarded as of the nature of agreements made in the field, and that they be executed according to their terms, with the understanding that no further action be had under them, and that hereafter no exchanges be made, except under the cartel of the 25th of September, 1862, and by generals commanding in the field, the latter in all cases to be of the nature of agreements between mutually opposed commanders in the field according to the general laws of war. I beg to remark upon two points in this correspondence of a special character.

The rebel authorities have virtually been countenanced in holding colored troops as excepted from the terms of exchange; for, while they decline to entertain any question by which such troops are to be recognized as entitled to the privileges of soldiers in conformity with express orders from the rebel Government, they enter upon a cartel under a mere declaration that they hold no colored men belonging to "organizations," by which they have been permitted to set out the principle that they will not entertain any proposition which would require them to treat colored troops as soldiers.

There is great reason to fear that the rebel officers will carefully retain such a position, by horrible means, as will enable them constantly in the future to set forward the same declaration—that they hold no colored men belonging to organizations.

The other point is this: The rebel authorities in the Southwest decline to release non-combatants, except upon an agreement on our part not to make arrests of that class—the point which Mr. Ould has been urging—for the purpose of obtaining thus indirectly what would amount to a quasi recognition of the equal privileges of rebels with Union citizens, thus protecting all civil offenders in rebellion from arrest for treason. I would suggest that particular care should be taken not to enter into any agreement of this nature under any pretense whatever.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers, Commissioner of Exchange.

[Indorsement.]

MARCH 29, 1864.

Referred by Secretary of War to General Halleck, chief of staff, for consideration and publication of such orders as may be necessary to meet the points presented.

BRISTOL, TENN., *March 28, 1864.*

Hon. JAMES A. SEDDON:

DEAR SIR: About twelve months ago William H. Turley, a citizen of Knox County, in this State, went to Richmond, Va., and got permission from the proper authorities to pass our lines and go North for the purpose of embarking for Europe, where he proposed buying a fast-running steamer and engage in blockade-running from Nassau to Charleston. While in New York he was recognized by a Union man from Knoxville, who gave General Burnside the information, upon which he was arrested, taken to Cincinnati, and, without trial or notice of charges, sent to Johnson's Island as a prisoner of war, where he has remained ever since, and I learn from exchanged prisoners that they are determined to hold him until the end of the war. He has never been in the army, but has been as efficient in the cause as if he had been. He is a gentleman of wealth and high social position, and a true and sound Southern man. There are prominent Union men, Federal sympathizers, within our lines who, if taken as hostages, could procure his release. I had a conversation with General Longstreet a day or two since on the subject, and he informs me that he is not authorized to make the arrest in such a case without authority from you to do so. I write to ask such authority to be given and the power exercised on behalf of a gentleman who has been imprisoned ten long months already. Seth J. W. Luckey, William H. Maxwell, of Washington, or Charles J. McKinney and A. P. Caldwell, of Hawkins County, all of this State, or either of them, if arrested and held as hostages for Mr. Turley, would effect his release. You may have forgotten me, and will call to your mind the fact that we were in Congress together in 1845–46. Mr. Turley is a son-in-law of mine, hence my solicitude for him. If you wish to know anything else in regard to myself, I refer you to General Henry, Senator, and others of the Tennessee Delegation. Your early attention to the subject-matter herein embraced will much oblige your friend.

Very truly and respectfully, yours,

WM. M. COCKE.

[First indorsement.]

Commissioner OULD:

Would you advise the course recommended? Its expediency seems very questionable, as the enemy have in every way an unscrupulous cruelty, as well as superior facilities for securing the advantage in such a policy.

J. A. SEDDON,
Secretary.

[Second indorsement.]

APRIL 6, 1864.

Respectfully returned to the Honorable Secretary of War.

I would much prefer the arrest and detention of Yankee citizens rather than Union men in Tennessee. If the latter course is pursued the Federals will make five arrests for one. Besides, Mr. Turley went voluntarily into the enemy's territory. Is it entirely certain that the Federals did not have the right to arrest Mr. Turley, he being an alien enemy within their lines?

RO. OULD,
Agent of Exchange.

HEADQUARTERS U. S. FORCES,
Vicksburg, Miss., March 28, 1864.

Maj. Gen. S. D. LEE, *Commanding C. S. Cavalry:*

GENERAL: Your communication in reply to mine of the 23d is just received. In behalf of the wounded accept my sincere thanks for complying with my request, and I regret that I cannot, under my instructions, comply with your wish for an equal exchange. In regard to recovering the body of Captain Hamilton of your staff, now within our lines, such arrangements are being made as I believe will effect the object. With reference to the exchange of some members of your escort company, now at Alton, Ill., I refer to my communication to you of the 23d instant. Were any discretionary powers given to commanding officers, it might sometimes effect a saving to both Governments, and be humane to those whom the fortunes of war chance to be made prisoners.

I am, general, very respectfully, your obedient servant,

J. MCARTHUR,
Brigadier-General, Commanding.

ARMY OF SOUTHWESTERN VIRGINIA,
Saltville, March 28, 1864.

Hon. JAMES A. SEDDON, *Secretary of War:*

SIR: The silence of the Confederate Government in relation to the brutal murder of my brother, Maj. Edgar Burroughs, by a negro sentinel whilst confined to his bed with the smallpox in the city of Portsmouth, has induced me to write and give you the particulars of that sad affair, hoping some effort may be made to retaliate for this deliberate and wanton act.

Major Burroughs was betrayed by one of his negro men in November last, carried to Norfolk by a mixed regiment of negroes and white men and placed in close confinement in a dungeon, ironed to the floor and handcuffs upon his wrists. He was tried for breach of parole and destruction of U. S. property, and was sentenced to be executed. To establish the fact that Major Burroughs had been regularly exchanged, my father wrote to Judge Ould, by flag of truce, during the trial; but General Butler, with a malignant and designing purpose, refused to permit this letter to pass through the lines to Richmond, knowing too well that the commissioner of exchange could exonerate Major Burroughs from the slanderous charge which has been brought against him. This fact, in itself, is sufficient to show the fell designs of that corrupt and wicked man. Confined in a damp and filthy cell, he contracted the smallpox and was moved to the pest-house in Portsmouth. From this place he was ordered on the 25th of January to be moved to the jail, but when the officers with ambulance went for that purpose the negroes replied, that "the force was not sufficient to take him—he should not go." About 3 o'clock of the same night he was shot. Our enemies, while glorying in this horrible deed, took particular pains to publish that he was shot while attempting to escape. Before the medical director, in presence of witnesses and upon his dying bed, Major Burroughs denied this damning calumny. In answer to the medical director whether or not he was attempting to escape, he replied: "No, I was only endeavoring to turn in my bed—it was a wanton act." During his trial, several Congressmen were written to with a view of protecting as far as possible Major Burroughs from any unjust treatment by the enemy. Mr. Heiskell, of Tennessee, replied that after consulting with Judge Ould he was satisfied that the exchange was regularly

made, and the Government would retaliate for any severe measures inflicted upon him.

It is my honest belief, sir, that that wicked man Butler never intended, from the first, that Major Burroughs should escape with his life, and he was scrupulous of no means by which he might get rid of him. I appeal to you, sir, if such an outrage should pass by unnoticed by the Confederate Government? Shall a faithful soldier be imprisoned and murdered whenever it suits the whims and caprices of an implacable foe, and these Confederate States, which have won the admiration of the world abroad, bow in humble submission to the will of its enemies at home? I hope not, and pray, in justice to the honored dead and those who may yet fall the victims of Butler and his truckling slaves, that some steps may be taken to retaliate for this wanton act, and stop the murder of our gallant men in future.

Justice to a fallen brother is the apology I offer for intruding this letter upon the responsibilities of your position.

I am, sir, very respectfully, your obedient servant,

J. J. BURROUGHS,
Lieutenant of Artillery, C. S. Army.

[First indorsement.]

APRIL 3, 1864.

Commissioner OULD:

Have you other information in reference to this case of alleged barbarity? Have any representations or inquiries been made by you respecting it?

J. A. S.

[Second indorsement.]

APRIL 5, 1864.

Respectfully returned to the Honorable Secretary of War.

General Butler represents that a regular military inquiry was made into the circumstances attending Major B.'s death. He promises to furnish a copy of the record in the case. He insists that Major B. was shot at the window, while he was attempting an escape, and after he had been ordered by the sentinel to retire. He further says that he believes Major B. was in delirium at the time. He further says the sentinel's act, though censurable, was not such as should subject him to punishment. When the record is furnished I will present it to the Honorable Secretary.

RO. OULD,
Agent of Exchange.

OFFICE C. S. MILITARY PRISONS,
Richmond, March 28, 1864.

Maj. THOMAS P. TURNER, *Commanding, &c.:*

MAJOR: I beg leave respectfully to report that this morning about 7 o'clock a Federal prisoner was shot and killed by a sentry on post No. 2, Crew's Building. The facts of the case are comprised in the following statements of Lieutenant Watson and Privates Rule and James, to which I respectfully call your attention:

Statement of Lieutenant Watson, Company A, Nineteenth Virginia Battalion:

Was around the corner when I heard the report of a gun; came back and asked the sentry on post No. 2 if he had fired. He replied that he had, but did not know whether he had hit him or not; went upstairs and found the prisoner dying. The ball

had passed through his head. Some of the prisoners told me that they had warned him that if he persisted in keeping his head out of the window he would be fired upon, but he paid no regard to it.

Statement of Private B. Rule, Company A, Nineteenth Virginia Battalion:

Was on post No. 2. A prisoner put his head and shoulders out of the window. I told him to go away several times, but he paid no regard to it. I then drew on him and the cap snapped. He then made fun of me and laughed at me. I could not understand the words he said, but again refusing to take his head back, I recapped my gun and fired on him.

Statement of Private A. H. James, Company A, Nineteenth Virginia Battalion:

Was on post next to Private Rule; saw the prisoner have his head out of the window; heard Rule tell him several times to take his head in; also saw Rule snap a cap at him. I then turned to walk my beat, when I heard Rule's gun go off; turned around and saw he had fired on the prisoner.

Your obedient servant,

JOHN LATOUCHE,
Lieutenant and Adjutant.

[First indorsement.]

OFFICE OF C. S. MILITARY PRISONS,
Richmond, Va., March 29, 1864.

Respectfully referred to headquarters.

TH. P. TURNER,
Major, &c.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF HENRICO,
Richmond, March 29, 1864.

Respectfully referred to the Secretary of War.

JNO. H. WINDER,
Brigadier-General.

[Third indorsement.]

MARCH 29, 1864.

ASSISTANT SECRETARY:

It appears that this Federal prisoner was shot by the guard after warnings to take his head in both from this sentinel and his fellow-prisoners, and, indeed, after the sentinel had snapped a cap at him. As I understand the orders, the sentinel was strictly in the line of his duty and the catastrophe due solely to the folly and disobedience of the unfortunate deceased.

B. R. W[ELLFORD, JR.]

C. S. STEAMER ROANOKE,
Mouth of the James River, March 29, 1864.

Maj. Gen. B. F. BUTLER, *U. S. Agent for Exchange:*

SIR: I am here for the purpose of having a conference with you in relation to matters connected with the delivery and exchange of prisoners.

Respectfully, your obedient servant,

RO. OULD,
C. S. Agent for Exchange.

HEADQUARTERS NINETEENTH ARMY CORPS,
OFFICE OF INSPECTOR-GENERAL,
March 29, 1864.

Brig. Gen. CHARLES P. STONE, *Chief of Staff, &c.:*

GENERAL: I have the honor to transmit a communication this day received from Maj. William M. Levy, commissioner of exchange on the part of Maj. Gen. R. Taylor, in answer to mine of the 27th instant. No answer was returned to the inclosed pending its submission to you.

I am, general, very respectfully, your obedient servant,
CHARLES C. DWIGHT,
Colonel and Actg. Asst. Inspector-General, Nineteenth Corps.

[Inclosure.]

HEADQUARTERS DISTRICT OF WESTERN LOUISIANA,
OFFICE OF INSPECTOR-GENERAL,
In the Field, March 29, 1864.

Col. C. C. DWIGHT,
Com'r of Exchange on the part of Maj. Gen. N. P. Banks:

COLONEL: I have the honor to acknowledge the receipt of your communication of the 27th instant, assenting to the immediate delivery and exchange of prisoners held respectively by Major-Generals Banks and Taylor.

Major-General Taylor instructs me to inform you that steps have been taken to have the prisoners in his hands, including all those captured up to this date, brought from Shreveport, and the least possible delay will be had.

Red River being obstructed above Alexandria, its navigation is dangerous, but the prisoners will be brought on boat to as low point as possible and thence taken to your outposts and delivered.

I have to request that those prisoners who are in your hands may be delivered at once at our outpost, to be held under parole until the exchange is perfected.

I hope that the efforts to obtain the return of the Fort Butler prisoners will be continued.

I am, colonel, very respectfully, your obedient servant,
WILL. M. LEVY,
Major, Asst. Adjt. and Insp. Gen. and Commissioner, &c.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, Mo., March 29, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have completed my inspection of the U. S. military prisons at this post, a report of which I forward herewith. I shall leave here to-morrow for Alton, and thence to Rock Island, Ill.

Very respectfully, your obedient servant,
A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

[Inclosure.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE OF PROVOST-MARSHAL-GENERAL,
Saint Louis, Mo., March 29, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to submit the following report of inspection of the U. S. military prisons and hospital at this post. There has been but little change in either since my last inspection. The police is slightly improved in both prisons. The civilian who was in charge of the Myrtle Street Prison has been removed, and a commissioned officer placed in charge. The Gratiot street building is being patched up, though this General Rosecrans thinks of but little use, and is of opinion that it will be necessary to erect a new prison. Indeed, I believe that he has already taken steps toward the erection of prison barracks at Jefferson Barracks, some nine miles below the city. This, if done, will certainly be a much-needed improvement. The Myrtle Street Prison is still greatly overcrowded. The morning report for March 28 shows 163 prisoners in the Myrtle Street, and 520 in the Gratiot Street Prison. Smallpox has made its appearance here since the date of my last report, though not to an alarming extent. It originated in a member of the guard coming from the Myrtle Street Prison. Where he contracted the disease is not known. Cases, as fast as they manifest themselves, are transferred to the pest-house connected with the U. S. general hospital, on Quarantine Island, about three miles below the city. Forty-three cases of the disease have already occurred, but the daily number of cases is diminishing, and the type of disease in a majority of the cases is a mild one. Two fresh cases occurred on the 27th and two on 28th instant. The present number of sick in hospital is 144. The report for the month ending February 29, 1864, is as follows: Aggregate sick, 311; returned to quarters, 149; escaped, 3; died, 22; remaining, 137. Percentage of deaths to aggregate sick, .071. The hospital is in as good condition as can be expected from the faulty condition of the building and its surroundings. I omitted to mention that vaccination is strictly enforced, although the surgeon in charge informs me that it is frequently insufficient, owing to the nearly inert vaccine matter supplied by the medical purveyor. The matter has been represented to the surgeon-general's office, and more efficient vaccine matter will no doubt be speedily supplied. This is but a brief report, but it covers all the changes occurring since the date of my last report.

Respectfully submitted.

Very respectfully, your obedient servant,

A. M. CLARK,
Surgeon and Acting Medical Inspector of Prisoners of War.

GENERAL ORDERS, No 128. } WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, March 30, 1864.

By the President of the United States of America:

A PROCLAMATION.

Whereas, it has become necessary to define the cases in which insurgent enemies are entitled to the benefits of the Proclamation of the President of the United

States, which was made on the eighth day of December, 1863, and the manner in which they shall proceed to avail themselves of those benefits;

And whereas, the objects of that Proclamation were to suppress the insurrection and to restore the authority of the United States; and whereas, the amnesty therein proposed by the President was offered with reference to these objects alone:

Now, therefore, I, Abraham Lincoln, President of the United States, do hereby proclaim and declare that the said Proclamation does not apply to the cases of persons who, at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed, are in military, naval, or civil confinement or custody, or under bonds, or on parole of the civil, military, or naval authorities, or agents of the United States, as prisoners of war, or persons detained for offenses of any kind, either before or after conviction; and that, on the contrary, it does apply only to those persons who, being yet at large and free from any arrest, confinement, or duress, shall voluntarily come forward and take the said oath, with the purpose of restoring peace and establishing the national authority. Prisoners excluded from the amnesty offered in the said Proclamation may apply to the President for clemency, like all other offenders, and their applications will receive due consideration.

I do further declare and proclaim that the oath prescribed in the aforesaid Proclamation of the eighth of December, 1863, may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or any civil or military officer of a State or Territory not in insurrection, who, by the laws thereof, may be qualified for administering oaths. All officers who receive such oaths are hereby authorized to give certificates thereon to the persons respectively by whom they are made. And such officers are hereby required to transmit the original records of such oaths, at as early a day as may be convenient, to the Department of State, where they will be deposited and remain in the archives of the Government. The Secretary of State will keep a register thereof, and will, on application in proper cases, issue certificates of such records in the customary form of official certificates.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the twenty-sixth day of March, in the year of [L. S.] our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS EIGHTEENTH ARMY CORPS,
DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fortress Monroe, March 30, 1864.

Hon. E. M. STANTON, *Secretary of War:*

SIR: Upon a personal conference with Mr. Ould, the Confederate agent of exchange, he complained to me that there were several persons confined in the penitentiary at Alton, Ill., upon judgments of military commanders for breaches of their paroles, and conduct made to appear criminal because of obligations undertaken while in confinement by the military authorities of the United States. But Mr. Ould assured me that by an agreement with the agent of exchange for our Government dated May 8, 1863, many of these men had been declared exchanged, and released from their paroles and other military obligations, and are now suffering because of supposed breaches thereof.

While I cannot admit for a moment that this may be the fact, yet complaint being officially made, I think it is due to this Government that it should be examined and the matter be investigated.

If you agree with me, I will send an officer to make such investigation, and ascertain from examination of the prisoners and the records whether there can be any foundation for this complaint.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General, Commanding.

[First indorsement.]

WAR DEPARTMENT, *April 2, 1864.*

Respectfully referred to the commissioner for exchange of prisoners.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General, Assistant Adjutant-General.

[Second indorsement.]

APRIL 5, 1864.

If General Butler can obtain the names of any men held at the Alton prison, or elsewhere, under the circumstances stated, and will furnish them to Colonel Hoffman, the Commissary-General of Prisoners, the investigation can be made with justice to all parties. I see no necessity for his sending an officer for the purpose.

E. A. HITCHCOCK,
Major-General of Volunteers.

WASHINGTON CITY, D. C., *March 30, 1864.*

Maj. Gen. H. W. HALLECK, *Chief of Staff, &c.:*

SIR: On the 28th instant I addressed a letter to the Honorable Secretary of War in reference to a cartel for the exchange of prisoners, reported by Major-General Banks, and having understood that the papers have been referred to yourself, I desire to say that in the letter (with those papers) General Banks requests that the prisoners he sent North may be returned to his department for the purpose of being returned to the enemy for prisoners received by him from the enemy.

Colonel Hoffman, Commissary-General of Prisoners, informs me that General Banks sent North no prisoners except officers, and I desire now to add to the statement made by Colonel Hoffman, and which is indorsed on the papers from General Banks, that the non-commissioned officers and privates taken by General Banks at and prior to the capture of Port Hudson, amounting to several thousand men, were sent by General Banks to Mobile and were there paroled under an express agreement with the rebel General Gardner. Those men have never been exchanged.

In the midst of the controversy between General Meredith and Mr. Ould, with respect to the irregular and unauthorized proceedings of the latter in regard to the Vicksburg prisoners, Mr. Ould published a letter in a Richmond paper officially assuming to decide and declare that the deliveries made by General Banks at Mobile were not made in conformity with the cartel, and he assumed to discharge all of those men from all obligations under their parole.

Immediately on receiving intelligence of this fact, I protested against the conduct of Mr. Ould in a letter addressed to General Meredith, a copy of which was sent to Mr. Ould; but the rebel agent has never made any explanation of that proceeding.

As the commissioner of exchange, I claimed, and still claim, that all of those men so delivered by General Banks were, and still are, bound by their parole, having never been exchanged.

General Banks might be permitted to use as many of those men as would cancel the number received by him under his recent cartel.

We claim that, independently of the men paroled at Mobile, the rebels were indebted to us, on just principles, several thousand men released from their parole by Mr. Ould from among those captured by General Grant at Vicksburg; and in my judgment we ought not to yield our claim to the prisoners paroled at Mobile without receiving proper equivalents.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Major-General of Volunteers, Commissioner of Exchange.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 30, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: Much inconvenience has been experienced on the delivery of paroled prisoners at Annapolis, Md., in consequence of the hurried manner in which they have been obliged to land from the steamer. At no time has the roll of prisoners delivered been called on their delivery, and the consequence has been much difficulty in comparing the men with the names on the rolls.

I have, therefore, the honor to request that the steamer may be ordered to remain at Annapolis, Md., until the sick can be comfortably transferred to the hospital, and a careful roll-call of the command can be made. Many false names are given, and without this roll it is almost impossible to detect them.

There are in this city and at Fort Delaware some five or six prisoners of war more or less insane, whom it would be a relief to us to send to City Point, and there are some twenty or thirty invalids at the West Buildings Hospital, in Baltimore, whom it would be as well to deliver at the same point; and if you approve it, I will forward them as soon as arrangements can be made for the purpose.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 30, 1864.

Brig. Gen. G. MARSTON,
Commanding District of Saint Mary's, Point Lookout, Md.:

GENERAL: I desire respectfully to call your attention to the character of some of the purchases made with the prison fund at Point Lookout, Md. On the last account is a charge for $500 worth of mackerel charged in the bill for vegetables. Such a purchase is not authorized by the regulations, but though irregular the expenditure might be allowed if by the issues of the mackerel a saving of some part of the ration had been made by which fully to reimburse to the fund the expense incurred. It appears, though, from charges which I have seen against Captain Cook, the mackerel, though purchased with public money, were sold by him to the prisoners or others as being private property. I would therefore beg to call your attention to the fact that nothing is to be purchased with the fund which is not absolutely necessary for the welfare of the prisoners or for some purpose connected with them which

would otherwise be a necessary and proper charge against the Government. On the same account is a charge $1,950 for the purchase of blankets. Such articles are furnished by the Quartermaster's Department, and as there is now a large quantity of inferior blankets on hand, only suitable to issue to prisoners, it is not advisable or economical to purchase others. At the end of February there was on hand in money some $6,000, and to avoid having too large a sum in the hands of the treasurer I respectfully request that only so much of the savings be converted into money as will suffice to meet current expenses, leaving the remainder as a credit for savings in the hands of the commissary. The prison fund at Point Lookout, Md., now held as a credit by the commissary, is very large, which must be attributed to your judicious management of the issues and savings of rations, and I am now anxious that it shall be so accumulated that any inquiries which may be made may be very satisfactorily answered.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

WASHINGTON, D. C., *March 30, 1864.*

Major-General ROSECRANS:

Five hundred prisoners are ordered from Alton, East. When they leave the excess at Saint Louis will be transferred there.

W. HOFFMAN,

Commissary-General of Prisoners.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 30, 1864.

Col. A. J. JOHNSON,

Commanding Depot Prisoners of War, Rock Island, Ill.:

COLONEL: Your letter of the 20th instant inquiring as to the propriety of permitting prisoners to purchase clothing is received. Since my letter of the 13th, communicating the list of articles which prisoners are permitted to purchase, they have been granted the further privilege of receiving from friends such articles of clothing of a certain character as may be necessary, and there is therefore no objection to their being permitted to purchase for themselves such clothing under the same circumstances, provided in each case the articles are furnished on your written order by the person who is appointed to sell to the prisoners. He will not be permitted to keep an assortment of clothing on hand but will fill each order as it is presented.

Very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

GENERAL ORDERS, No. 9.

HEADQUARTERS POST,
Andersonville, March 30, 1864.

J. C. Sellman, acting adjutant of the post commander, is hereby relieved from duty. He will report for assignment to Capt. H. Wirz, commander of the interior.

By order of A. W. Persons, colonel commanding:

[E. M. TURNER,
Captain and Adjutant.]

AUSTIN, TEX., *March 30, 1864.*

Capt. E. P. TURNER,
Assistant Adjutant-General, Houston, Tex.:

CAPTAIN: With the view of inducing the major-general commanding to approve the course pursued by Captain Cone, his legal representative in the late habeas corpus case before the supreme court, and of sharing, if need be, as far as practicable, the responsibilities assumed by him, I, as one of the associate counsel appointed by the court to represent the military authorities, deem it proper to make a brief statement to the major-general commanding, indicating some of the reasons that prompted the steps taken in the premises.

The history of the case has been too often rehearsed for me to enter into a detail of the facts. I will confine myself to only two points of difficulty:

First. Captain Cone advised Major Sparks to return the prisoners to the civil authorities unconditionally.

Second. Captain Cone submitted the case upon the petition and returns without going into the merits and without the introduction of evidence.

In taking these steps Captain Cone had my concurrence, as well as that of Mr. Ford, my associate counsel.

1. As to the advice given to Major Sparks for the following reasons, to wit:

The effect of a writ of habeas corpus is to take the prisoners out of the custody of the party holding them, and to place them in the custody of the court issuing the writ. The supreme court having issued the writ, and their jurisdiction having attached, had a right to the custody of the prisoners during the pendency of the proceedings under the writ and until final judgment.

The arrest of the prisoners in the custody of the sheriff came in direct conflict with this jurisdiction and brought the civil and military authorities in collision. I was satisfied that the major-general commanding, charged with the protection of the State, would use every possible means consistent with the high trust with which he is charged to avoid any such conflict and would deprecate any such collision.

The simplest mode of avoiding this conflict consistent with his high trust was to return the prisoners to the civil authorities unconditionally.

The object the major-general commanding had in view in ordering the arrest was the detention of the prisoners. So soon as the court had finally disposed of the case its jurisdiction ceased, the military jurisdiction immediately attached, the prisoners could be rearrested, the object attained, the conflict avoided. For these reasons I concurred with Captain Cone in his advice to Major Sparks. My associate, Mr. Ford, also concurred.

2. The reasons for submitting the case without going into the merits and without introduction of testimony, were the following, to wit:

First. As a mere matter of policy and to satisfy the public mind, it might have been advisable to have entered into a full and complete investigation; but the evidence was not prepared for such an investigation, though every effort had been made to obtain the testimony.

To have gone into the investigation unprepared would have been to fail to make good the charges set forth in the return of the major-general commanding and perhaps defeated the ends of justice.

Besides, the suspension act provides a tribunal for making such investigations fully and fairly.

Second. The only object of a practical character to be attained by entering upon an investigation of the evidence was the detention of the prisoners.

Their detention had been already adjudged and ordered by the proper tribunal, appointed by law, to wit, the general officer commanding the Trans-Mississippi Department, and a further investigation to that end was practically a useless consumption of the time of the court.

Third. The court had jurisdiction to order their detention, without bail, only in the case that the charge of treason was made good; whereas the military tribunal has jurisdiction to order detention on many other charges than treason.

Fourth. Under the orders of the major-general commanding, Captain Cone could not consistently do otherwise.

For these reasons, I concurred with Captain Cone in submitting the case without going into the merits and without the introduction of testimony, as did also my associate, Mr. Ford.

I take pleasure in saying that throughout the long and somewhat complicated proceedings, the major-general commanding was ably represented by Captain Cone, firm and decided, yet urbane and courteous. Submitting with grace to the civil tribunals, at the same time maintaining the rights of the military authorities, and attaining his object in the end.

I also take pleasure in bearing testimony to the prompt action, unremitting vigilance, and uniform urbanity of Major Sparks, commander of post.

I also assure the major-general commanding that the supreme court manifested every disposition to extend every courtesy to the major-general commanding and the military authorities.

Trusting that the action of the counsel for the military authorities will meet the approval of the major-general commanding,

I am, sir, very respectfully, your obedient servant,

CHAS. L. ROBARDS.

PROVOST-MARSHAL'S OFFICE,
Harrisonburg, March 30, 1864.

His Excellency Governor WILLIAM SMITH:

GOVERNOR: Under instructions from General J. D. Imboden, I forward to you this morning the following prisoners: Aaron Bechtol, Jos. S. Wheat (these men are members of the bogus Virginia Legislature, were captured by Major O'Ferrall during a recent raid into Morgan County, W. Va.), Robert Finn (this man is the Commonwealth's attorney for Morgan County under the bogus government), S. M. Shrives (citizen of Morgan and a member of the Union League of Western Virginia). Attention is called to the order of General Imboden, inclosed within. You will please receipt for them.

I am, very respectfully, your obedient servant,

J. R. NUNN,
Lieutenant and Provost-Marshal.
Per W. S. ROHR,
Sergeant.

[First indorsement.]

MARCH 31, 1864.

The within-named parties sent to Castle Thunder.

[Second indorsement.]

RICHMOND, VA., *April 1, 1864.*

Respectfully forwarded to His Excellency Governor Smith through Brigadier-General Winder. The prisoners are in Eastern District Prison.

IS. H. CARRINGTON,
Provost-Marshal.

[Inclosure.]

PROVOST-MARSHAL'S OFFICE,
Harrisonburg, March 29, 1864.

Brig. Gen. J. D. IMBODEN, *Commanding Valley District:*

GENERAL: I have in my guard-house four prisoners, captured in Bath, Morgan County, W. Va., by Major O'Ferrall on his recent trip to that place, viz: Aaron Bechtol and Joseph S. Wheat, members of the bogus Virginia Legislature; Robert Finn and S. M. Shrives, members of the Union League. I respectfully refer you to Mr. C. A. Swann and Major Buck, very respectable and reliable citizens of Morgan County, who have had to leave their homes partly on account of these very men, for information respecting them. Major Buck has informed me that the first named, Aaron Bechtol, headed a party of Yankees who stole and destroyed a large amount of his property. You will please indicate what disposition shall be made of them.

I am, general, very truly, your obedient servant,

J. R. NUNN,
Lieutenant and Provost-Marshal.

[Indorsement.]

HEADQUARTERS VALLEY DISTRICT, *March 29, 1864.*

Lieutenant Nunn, provost-marshal at Harrisonburg, will forward Bechtol and Wheat, members of the bogus Legislature at Wheeling, and Finn, the bogus Commonwealth's attorney of Morgan County, to Richmond to His Excellency Governor Smith, as these men are guilty of treason against the State. Shrives will be sent to Castle Thunder on the charge of aiding and abetting the public enemy and being a member of a treasonable organization known as the Union League. I earnestly request the authorities at Richmond not to release these men without giving me the opportunity of proving their offenses.

J. D. IMBODEN,
Brigadier-General, Commanding.

WAR DEPARTMENT, *Washington City, March 31, 1864.*

Lieut. Col. WILLIAM H. LUDLOW,
Asst. Insp. Gen., Dept. of the East, New York City, N. Y.:

COLONEL: In reply to your letter of the 5th instant, stating that the whole of the correspondence between Mr. Ould and yourself previous to the 14th of January last and much of it since that date, does not appear in the publication of the U. S. Senate on the subject of the exchange of prisoners, the Secretary of War instructs me to inform you that all of the correspondence furnished by General Meredith to the commissioner of exchange was communicated to the Senate in response to the "call" on the subject.

I am further instructed to say that if any of the correspondence which you consider important has been omitted by General Meredith, you are authorized to furnish it for transmission to the Senate, as supplementary, with an explanatory note.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[MARCH 31, 1864.—For report of prisoners of war and deserters received and disposed of during March, 1864, in the Department of the Cumberland, see Series I, Vol. XXXII, Part I, p. 17.]

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, Va., March 31, 1864.

Col. W. HOFFMAN,
Commissary-General of Prisoners, Washington, D. C.:

SIR: Please have Maj. W. Carvel Hall, late of General Trimble's staff, now a prisoner on Johnson's Island, sent to me.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 31, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the fate of the master and crew of the schooner Julia Baker, captured on the 12th instant?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General and Commissioner for Exchange.

HDQRS DEPT. OF VIRGINIA AND NORTH CAROLINA,
OFFICE COMMISSIONER FOR EXCHANGE,
Fort Monroe, Va., March 31, 1864.

Hon. ROBERT OULD, *Agent for Exchange, Richmond, Va.:*

SIR: Will you please inform me as to the whereabouts of the captain and crew of the steam-tug Titan, captured on the 5th instant at Cherrystone Inlet?

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER,
Major-General Commanding and Commissioner for Exchange.

Memorandum of points discussed between Benjamin F. Butler, U. S. agent for exchange, and Robert Ould, C. S. agent for exchange, at a conference at Fort Monroe, March 31, 1864.

United States claim that the cartel should be set aside because of the declaration of authorities of Confederate States of December 23,

1862, of January 12, 1863, and acts of C. S. Congress in regard to treatment of officers in command of colored troops and of their troops.

Officers and men (not slaves), even if serving with slaves in the U. S. forces, shall be treated as prisoners of war.

That slaves captured shall not be treated as prisoners of war, and that a right exists, at the pleasure of the Confederate States, to return them when captured to their former owners, being in the Confederacy.

By slaves are meant persons held to life service by masters belonging within the States of Missouri, Alabama, Texas, Louisiana, Mississippi, Arkansas, Georgia, Florida, South Carolina, North Carolina, Virginia, Tennessee, and Kentucky.

Confederate States claim paroles of all officers and soldiers (not citizens) captured and paroled by commanding officers of armies and expeditions prior to July 3, 1863, as per general orders, prior to Order No. 207, and all captured and paroled by officers of armies since.

It may be granted, except as to persons in the military and naval service, paroled, who could not be held and brought away, and held in confinement by the forces upon such expeditions.

To this it is answered that the United States have claimed, and had allowed in exchange, paroled men captured on raids like Kilpatrick's first raid, who could not have been brought away by the expeditionary force; and, if practicable, would be willing to adjust accounts in that way from the beginning, but do not believe it to be practicable.

It is suggested that Order No. 207 shall apply only to paroles granted after a reasonable time for the order to have reached the commanding officer giving the parole, time to be judged of in each case according to his position and distance from Washington.

For the purpose of the cartel, who shall be held to be commanders of armies in the field, a definition is suggested that, in addition to the general meaning, it ought to include a commander of a besieging force and the commander of the fortified place besieged, also to commanders of detailed forces, acting for the time independently of headquarters, either by order or because of the necessity of warlike operations when it is in the power of the captor to hold and bring off his prisoners.

It is further suggested, when the captured party is disabled or wounded, so that his transportation would endanger life or limb, then his own parole should be represented if he is released.

In other respects cartel to be carried out, and exchange and parole to go forward according to provisions.

In all cases of condemnation to death, imprisonment at hard labor, or confinement in irons, except upon sentence of death, of any person in the military or naval service of either belligerent, before execution of the sentence, the copy of the records of the trial and conviction shall be submitted to the agent of exchange of the accused party; and unless a communication of an order of retaliation within fifteen days thereafter be made to the agent of exchange furnishing the records, no retaliation for such execution or other punishment shall be claimed or executed by the other party.

OFFICE COMMISSARY-GENERAL OF PRISONERS,
Washington, D. C., March 31, 1864.

Maj. Gen. B. F. BUTLER,
Commissioner for Exchange, Fort Monroe, Va.:

GENERAL: By direction of the Secretary of War, I have the honor to inform you that Maj. Brent Kelley, U. S. Army, has reported himself

as on special parole from Libby Prison for the purpose of effecting his exchange for four named rebel prisoners now in our hands, but the designated individuals cannot be delivered for him, they being of different grades. At the same time the Secretary desires that a prisoner of war in our hands of rank or grade corresponding to that of Major Kelley be offered for him, and that this may be done as speedily as possible on account of the limited character of Major Kelley's parole. I am also directed to request you will report for the information of the Secretary of War what action you may be able to take on this case and the result.

I am, general, very respectfully, your obedient servant,

W. HOFFMAN,

Colonel Third Infantry and Commissary-General of Prisoners.

FORT MONROE, VA., *March 31, 1864.*

Hon. G. V. FOX, *Assistant Secretary of Navy:*

SIR: I am directed by the commanding general to inform you that in a personal interview with Mr. Ould, Confederate agent for exchange of prisoners, he was assured by him that neither Lieutenant-Commander Williams, Ensign Porter, nor any of our men, are held in irons by the Confederate authorities at this time.

I have the honor to be, very respectfully, your obedient servant,

JAS. R. SHAFFER,

Captain and Aide-de-Camp.

HEADQUARTERS MILITARY STATION,
Alton, Ill., March 31, 1864.

Col. W. HOFFMAN:

Commissary-General of Prisoners, Washington, D. C.:

COLONEL: I have the honor to report that I have made a renewed inspection of the U. S. military prison at this post. I find some difficulty existing between the commanding officer and the surgeon in charge of the hospital in reference to the management of the hospital and sanitary affairs of the prison. The surgeon states that for five days, March 11 to 15, the commanding officer refused to sign the provision return for the patients in the hospital, who were, in consequence, without food for that time, excepting an insufficient supply obtained from meal to meal from the prison mess-room. I have called for a report on the above matter from the surgeon in charge, and also requested one from Colonel Weer, commanding, but as I cannot obtain these reports for several days, I shall start to-night for Rock Island, thence to Chicago, and return here from the latter place. There are five Sisters of Charity on duty as nurses in the prison hospital, placed there by the commandant of the prison. There are but five cases of smallpox now at this post, and these are convalescent.

Very respectfully, your obedient servant,

A. M. CLARK,

Surgeon and Acting Medical Inspector of Prisoners of War.

CAHABA, ALA., *March 31, 1864.*

Surg. P. B. SCOTT, *Medical Director:*

SIR: I have the honor to transmit to you the following report:

When you know the sanitary condition of the prison you cannot be surprised at the large number of cases reported.

A brick wall inclosing an area of 15,000 square feet, covered by a leaky roof with 1,600 feet of open space in its center, four open windows, and the earth for the floor, constitute the prison in which are at present confined 660 men.

The sleeping arrangements consist of rough lumber, without straw or bedding of any kind save the hard plank and a few comforts—not forty to the hundred men. These bunks, but recently constructed, accommodate but 432 men, so that 228 men are forced to sleep upon the ground.

With but one fireplace in the building, all the fires (about forty in number) have been, until the past two days, built at intervals upon the floor. The wood (a little less than half the regulations allow) has been, when furnished at all, of either green sap pine or decayed oak from old fields. With such wood and no ventilation, you can well imagine to what a dense smoke these men have been subjected for the past five months.

A wooden fence has been in process of erection around the prison for the past two months or more, in order that the fire might be removed to the outside and thus obviate the smoke. The third side of this fence has nearly reached its completion.

The supply of water for drinking, cooking, and bathing, as well as washing, is conveyed from an artesian well, along an open street gutter for 200 yards, thence under the street into the prison. In its course it has been subjected to the washings of the hands, feet, faces, and heads of soldiers, citizens, and negroes, buckets, tubs, and spittoons of groceries, offices and hospital, hogs, dogs, cows, and horses, and filth of all kinds from the streets and other sources.

The rations furnished are the same as are issued to our own soldiers, and are served to them with equal punctuality. The privy accommodates but four men at once, and the arrangements for keeping it cleanly are well in keeping with the prison generally. With but one wheelbarrow to remove filth and other rubbish, there is an unavoidable accumulation of these fruitful sources of disease.

It is needless to remark that I have made repeated complaints to the commandant of the prison, who has exerted himself to the extent of his ability to have these defects remedied.

The two quartermasters at this post, with only this prison and one small hospital to supply, have failed to be equal to the task of having this prison supplied with good and sufficient wood, water, and bunks, and putting it in a condition in which it would be moderately comfortable, clean, and healthy.

Very respectfully, your obedient servant,

R. H. WHITFIELD,

Surgeon in Charge Federal Prison, Cahaba, Ala.

[First indorsement.]

MEDICAL DIRECTOR'S OFFICE,
Demopolis, Ala., April 6, 1864.

Respectfully forwarded to the Surgeon-General for his information.

P. B. SCOTT,
Medical Director.

[Second indorsement.]

SURGEON-GENERAL'S OFFICE, *April 15, 1864.*

Respectfully referred to Lieutenant-General Polk, whose attention is called to this report for such action as he may deem necessary. Please return.

S. P. MOORE,
Surgeon-General.

Abstract of provisions received and issued at C. S. military prison at Andersonville, Ga., by Capt. R. B. Winder, assistant quartermaster, for the quarter ending March 31, 1864.

	Beef.	Bacon.	Wheat.	Meal.	Potatoes.	Beans or peas.
Received:	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
From officers	.....	5,415	2,024	.....	15,103	13,460
By purchase	7,119	735	.....	11,880½	.....	.....
Total to be accounted for	7,119	6,150	2,024	11,880½	15,103	13,460
Issued:						
To laborers and prisoners	7,119	1,031	.....	11,880½	7,293	.....
To officers	.....	5,119	2,024	.....	7,810	13,460
Total issued	7,119	6,150	2,024	11,880½	15,103	13,460
Total remaining on hand	.....	.....	.....	.....	.....	.....

	Hard bread.	Sirup.	Candles.	Salt.	Bags or sacks.	Barrels.	Buckets.
Received:	*Pounds.*	*Gallons.*	*Pounds.*	*Pounds.*	*No.*	*No.*	*No.*
From officers	160	489⅛	.....	.....	351	13	5
By purchase	.....	.....	25	18,037	.....	.....	.....
Total to be accounted for	160	489⅛	25	18,037	351	13	5
Issued:							
To laborers and prisoners	.....	.....	.....	278½	.....	.....	.....
To officers	160	489⅛	25	17,758½	297	13	.....
Total issued	160	489⅛	25	18,037	297	13	.....
Total remaining on hand	.....	.....	.....	.....	54	.....	5

I certify that the above is correct.

R. B. WINDER,
Captain and Assistant Quartermaster.

Abstract of provisions issued to Federal prisoners of war at Danville, Va., in the quarter ending March 31, 1864, by Mason Morfit, major and quartermaster.

Date.	Prisoners.	Salt pork and bacon.	Fresh and salt beef.	Flour.	Corn-meal.	Peas.	Salt.	Rice.	Soap.	Cabbage.
1864.	*Number.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Bushels.*	*Pounds.*	*Pounds.*	*Pounds.*	*Heads.*
Feb. 1..	3,346	.....	3,346	.....	4,162	.....	.....	330	.....	.....
2..	3,365	.....	3,365	.....	4,162	.....	130	330	.....	.....
3..	3,368	.....	3,368	.....	4,162	.....	130	330	.....	.....
4..	3,367	.....	3,285	.....	4,231	.....	135	330	.....	.....
5..	3,370	1,123⅓	.....	.....	4,226	.....	130	330	.....	.....
6..	3,380	1,126⅔	.....	.....	4,225	.....	130	330	.....	.....
7..	3,371	1,123⅔	.....	2,347	1,454	.....	130	.....	.....	3,202
8..	3,364	1,121⅓	.....	.....	4,205	.....	100	330	.....	.....
9..	3,361	1,120½	.....	1,176	3,037	8	100	.....	.....	.....
10..	3,457	1,152⅓	.....	1,021	3,300	8	100	.....	.....	.....
11..	3,461	.....	3,429	.....	4,326	8	62	.....	.....	.....
12..	3,457	1,152⅓	.....	.....	4,321	.....	129	347	.....	.....
13..	3,448	1,117	.....	.....	4,310	.....	128	347	.....	.....
14..	3,444	1,061⅔	259	.....	4,305	8	124	.....	.....	.....
15..	3,437	1,145⅔	.....	.....	4,296	.....	129	347	.....	.....
16..	3,433	1,144⅓	.....	.....	4,291	8	129	.....	.....	.....
17..	3,466	.....	.....	.....	4,332	8	129	.....	.....	.....
18..	3,465	220⅓	2,804	.....	4,331	8	130	.....	.....	.....
19..	3,452	.....	.....	.....	4,315	8	130	.....	.....	.....
20..	3,445	1,148⅓	.....	.....	4,306	.....	128	.....	.....	.....
21..	3,439	1,146⅓	.....	.....	4,298	8	130	.....	.....	.....
22..	3,432	1,144	.....	.....	4,290	8	130	.....	.....	.....
23..	3,412	1,137⅓	.....	.....	4,265	.....	130	330	200	.....
24..	3,434	1,144⅔	.....	.....	4,292	.....	130	330	.....	.....
25..	3,434	1,144⅔	.....	.....	4,292	.....	130	.....	.....	.....
26..	3,441	1,147	.....	.....	4,301	.....	130	.....	.....	.....
27..	3,433	1,144⅓	.....	3,862	.....	.....	135	.....	.....	.....
28..	3,385	1,128⅓	.....	.....	4,231	.....	135	.....	.....	.....
29..	3,385	1,128⅓	.....	.....	4,231	.....	135	330	.....	.....
Mar. 1..	3,382	1,127⅓	.....	3,804	.....	.....	135	330	.....	.....
2..	3,376	1,125⅓	.....	3,798	.....	.....	135	330	.....	.....
3..	3,374	1,124⅔	.....	3,795	.....	.....	135	330	.....	.....
4..	3,369	1,123	.....	.....	4,211	.....	135	330	.....	.....
5..	3,355	1,118⅓	.....	.....	4,193	.....	135	330	.....	.....
6..	3,351	1,117	.....	.....	4,188	.....	135	330	.....	.....
7..	3,345	1,115	.....	.....	4,181	8	135	.....	.....	.....
8..	3,348	.....	.....	3,766	.....	8	135	.....	.....	.....
9..	3,362	1,120⅔	.....	3,782	.....	8	135	.....	.....	.....
10..	3,351	1,117	.....	3,769	.....	8	135	.....	.....	.....
11..	3,353	.....	.....	.....	4,191	8	135	.....	.....	.....
12..	3,332	1,110⅔	.....	.....	4,165	8	135	.....	.....	.....
13..	3,323	1,107⅔	.....	.....	4,153	8	.....	.....	.....	.....
14	3,316	.....	.....	.....	4,145	13	135	.....	.....	.....
15..	3,307	.....	.....	.....	4,133	8	135	.....	.....	.....
16..	3,298	.....	.....	.....	4,122	14	135	.....	.....	.....
17..	3,306	1,102	.....	.....	4,132	8	135	.....	.....	.....
18..	3,298	1,099⅓	.....	.....	4,122	8	135	.....	.....	.....
19..	3,284	1,094⅔	.....	.....	4,105	8	135	.....	.....	.....
20..	3,265	1,088⅓	.....	.....	4,081	8	135	.....	.....	.....
21..	3,256	1,085⅓	.....	.....	4,070	8	135	.....	.....	.....
22..	3,239	.....	.....	.....	4,048	14	135	.....	200	.....
23..	3,239	1,079⅔	.....	.....	4,048	.....	.....	430	.....	.....
24..	3,239	.....	.....	.....	4,048	.....	135	330	.....	.....
25..	3,171	.....	.....	.....	3,963	.....	.....	733	.....	.....
26..	3,173	.....	.....	.....	3,966	.....	135	734	.....	.....
27..	3,147	1,049	.....	.....	3,933	.....	.....	315	.....	.....
28..	3,147	1,049	.....	.....	3,933	.....	135	315	.....	.....
29..	3,130	1,043⅓	.....	.....	3,912	.....	135	315	.....	.....
30..	3,130	1,043⅓	.....	.....	3,912	.....	.....	315	130	.....
31..	3,104	.....	3,104	.....	3,880	.....	65	305	.....	.....
Total.	200,722	47,063	22,960	31,120	216,332	225	6,928	10,113	530	3,202

I certify that the above abstract is correct.

MASON MORFIT,
Major and Quartermaster.

APPENDIX.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Fort Monroe, July 16, 1863.

Hon. ROBERT OULD, *Agent for Exchange of Prisoners:*

SIR: I am directed to inform you that Brig. Gen. W. H. [F.] Lee and another officer not below the rank of captain, and whose name I will send to you by the next flag of truce, have been selected as hostages for Capt. H. W. Sawyer, First New Jersey Cavalry, and Capt. John M. Flinn, Fifty-first Regiment Indiana Volunteers, whom you inform me have been chosen by lot for execution. Upon information being received of the execution, by order of your authorities, of these officers or any other officers or men in the service of the United States not guilty of crimes punishable with death by the laws of war, the Confederate officers above named will be immediately hung in retaliation, without giving you other or further notice.

I am directed further to inform you that the United States Government will proceed to retaliate for every similar barbarous violation of the laws of civilized war.

I am, very respectfully, your obedient servant,

WM. H. LUDLOW,
Lieutenant-Colonel and Agent for Exchange of Prisoners.

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*Report of the special committee to inquire into certain outrages of the enemy.**

The special committee, charged by a resolution of the House to ascertain and report the facts connected with the recent outrages alleged to have been perpetrated in the northeastern part of North Carolina by the armed forces of the United States, and to recommend such action as the dignity of the Confederate States should demand, submit the following report:

The committee have taken several depositions, and collected such further evidence as was accessible, for the purpose of obtaining a correct knowledge of the matters referred to them. This evidence is now presented to the House, with a brief outline of the facts proved.

In the month of December last, a large force of negro soldiers, in the service of the United States, and under command of Brig. Gen. Edward A. Wild, invaded the county of Pasquotank. While there they arrested a citizen of the county (Daniel Bright) at his own residence and hung him on the side of the public road, a few miles north of Elizabeth City. Upon his back, where he was suspended, was placed a placard with the following words:

This guerrilla hanged by order of Brigadier-General Wild. Daniel Bright, of Pasquotank County.

* Without date, but probably submitted between the 10th and 17th of February, 1864.

Daniel Bright was a member of the Sixty-second Georgia Regiment, under command of Col. J. R. Griffin, and had received authority from the Governor of North Carolina to raise a company in that county for local defense. Failing in the effort, he had retired to his farm, and was there seized, carried off, and executed.

Two most respectable married ladies were also made prisoners—Mrs. Phoebe Munden, wife of Lieut. W. J. Munden, and Mrs. Elizabeth Weeks, wife of Private Pender Weeks, of Capt. John T. Elliott's company. The first was arrested at her own house in the presence only of her three children, of whom the oldest was ten years of age, on Saturday, the 12th day of December, conveyed a few miles to Elizabeth City, confined in a room without fire, bed, or bedding, with several male prisoners, and tied by the feet and hands. A negro guard was placed in charge of the prisoners. The succeeding day the other lady, Mrs. Weeks, was placed in the same room. They were constantly guarded, and neither was allowed to leave the room for the most necessary duty but in company with a negro armed soldier. For a more minute recital of the indignities offered the sensibilities of the sex, the committee forbear to do more than refer to the testimony of a fellow-prisoner, and another, a resident of the town and an eye-witness of what he describes. Mrs. Munden was in delicate health, was forced from a home immediately laid in ashes, with all it contained, without other apparel than she wore upon her person, and passed several nights in the cheerless and cold apartment, to which she was confined at that inclement season, before the humanity of her captors was so far softened as to permit blankets to be furnished for her use. They were kept until Thursday and then removed to Norfolk. It has been represented to her husband that when Mrs. Munden was carried off her wrists were bleeding from the stricture of the cords with which she was bound.

The purpose of these arrests of unarmed and helpless women will appear from the letter of General Wild to Captain Elliott, dated December 17, which accompanies this report. In it he says:

> I still hold in custody Mrs. Munden and Mrs. Weeks as hostages for the colored soldier taken by you. As he is treated, so shall they be; even to hanging. By this time you know that I am in earnest. Guerrillas are to be treated as pirates. You will never have rest until you renounce your present course, or join the regular Confederate Army.

These ladies are still held in custody, as will be seen from the letter of General B. F. Butler,* in answer to a communication addressed to him by Lieutenant Munden and Mr. Weeks, dated January 26; and while he states that he has countermanded the order for their execution, threatened in the event of the hanging of his "colored" soldier by General Wild, he does not disavow in any other respect the acts of the latter.

Besides these acts of violence it is in proof that several private dwellings in Pasquotank and Camden Counties were set on fire and consumed, among which may be designated those of W. T. White, Capt. Willis Sanderlin, and Major Gregory—the latter, an aged citizen of more than sixty years, was seized and conveyed away. For what purpose General Wild's own letter to Captain Sanderlin, written after his retreat to Virginia, and bearing date December 22, will disclose. He says:

> I shall hold Major Gregory as a hostage for the colored soldier captured near Shiloh. I shall treat him exactly as your people treat that soldier. If they hang him I shall hang Major Gregory. And you know by this time that I keep my word.

* See p. 877.

Major Gregory was released afterward and returned, not to his home, for that was destroyed, but to his friends, only to die from a paralysis with which he was stricken while a prisoner in the enemy's hands.

The committee invite attention to the minute account of the acts of this marauding expedition, contained in a letter written at Norfolk, December 28, to the New York Daily News, manifestly prepared by one familiar with its acts. They insert a brief extract only:

> Negroes were permitted to curse and abuse defenseless ladies, to strip them of their jewelry and clothing, and offer them indignities which would offend delicacy to repeat. A small Confederate force captured two of his negroes, in a skirmish, and for this he outraged all the laws of civilized war. He arrested two ladies of high character, permitted a brutal negro soldiery to tie them hand and foot (as I believe and am credibly informed), and kept them in this condition for two days and nights; brought them to Norfolk, and now keeps them confined in a close room. There he holds them as hostages for the return of his negroes.

The committee find that both the companies which the Federal officer designates as "guerrillas," commanded, the one by Captain Elliott, the other by Captain Sanderlin, were raised in those counties, under authority of the Governor of North Carolina, for local defense and to repel invasions; were duly organized, and their officers commissioned by him; and for a year or more had been in the regular service of that State. At the time referred to they had been attached to, and formed part of, the Sixty-sixth North Carolina Regiment, under command of Col. James W. Hinton.

The committee content themselves with reporting the evidence to the House with a short explanatory statement. The original letters and placard referred to are before them, and are submitted with this report. They forbear comment. It would add no force to the simple narrative of facts.

W. N. H. SMITH,
Chairman.

[Inclosures.]

VIRGINIA, CITY OF RICHMOND:

This 10th day of February, 1864, personally appears William J. Munden, a citizen of Pasquotank County, N. C., who deposes and says as follows:

Affiant is first lieutenant in Company E, Sixty-sixth North Carolina Troops, under command of Col. James W. Hinton, and in the service of said State of North Carolina. Capt. J. T. Elliott commands Company E. This company has been in service about a year, more recently has been made part of Sixty-sixth Regiment. A portion of Company E made prisoner of a negro, a private in a regiment called "Fifth U. S. Colored," in service of the United States. This regiment was part of a force of the enemy invading the county of Pasquotank, and this capture was made on or about December 11, 1863.

Affiant's family was at his home in that county about five miles distant from the town of Elizabeth City. On the afternoon of same day affiant's wife, Phoebe Munden, was arrested at her home and brought to Elizabeth City. She was then confined in a room over a store with some fifteen or twenty others, of whom all but herself and another lady, Mrs. Elizabeth Weeks, wife of Pender Weeks, were men. Both ladies were tied by their hands and feet and detained three days, and were liberated only temporarily and to satisfy the calls of nature. When permitted to leave for this purpose they were accompanied by a negro guard, who stood over them with muskets, and they were compelled to

do this in a public street. They were then carried off, their bonds untied, with the enemy's forces. The wrists of affiant's wife were bleeding from the stricture of the rope with which she was tied when she left. Mrs. Munden was taken from her three children, of which the oldest is about ten and the youngest four years of age, and no white person left with them. A young woman who lived in the family made her escape. A friend went there to take care of them at night. When carried off she was allowed to carry no change of clothes nor any night clothes. When confined in the room at Elizabeth City the ladies were compelled to sleep on the naked floor without bed or bedclothes or other covering, and without fire. About the third night Dr. W. G. Pool prevailed on the officer of the enemy to permit blankets to be carried in, and after some delay consent was obtained. Neither of these ladies have returned, but, so far as affiant knows or can hear, are kept still in confinement. While at Elizabeth City, when Mrs. Munden would complain of her treatment, she has been cursed and told she would be hung.

Mrs. Munden is about thirty-five years of age, and, as also affiant, are natives of Pasquotank County. Her health is not vigorous. Affiant and Mr. Weeks addressed a letter to General B. F. Butler in relation to the arrest and detention of their wives, and received answer, the papers herewith filed, marked A.*

The facts stated are detailed by witnesses who know them of highest respectability, and are implicitly credited by affiant. During this invasion the enemy under Brigadier-General Wild hung Daniel Bright, burnt affiant's house and all it contained, stables, crop, and nearly everything on the premises. They also burnt the house of William T. White, a commissary to Company E, before it was attached to the regiment and afterward. They also burnt a barn of corn, wheat, and other things belonging to Ed. Jennings, a citizen not connected with any military organization. They also, as affiant hears, burnt some six or seven houses in Camden County. Among others arrested was Major Gregory, about seventy years old, who, while gone, became paralyzed and died soon after his release and return home. All his property was also destroyed by fire. The above facts are all true so far as within affiant's knowledge, which he verily believes to be true.

W. J. MUNDEN.

Sworn to and subscribed before me.

W. N. H. SMITH,
Chairman.

—

NORTHWEST LANDING, VA., *Tuesday, December 22, 1863.*

WILLIS SANDERLIN, *Captain of Guerrillas:*

SIR: I hold Major Gregory as a hostage for the colored soldier captured near Shiloh. I shall treat him exactly as your people treat that soldier. If they hang him I shall hang Major Gregory. And you know by this time that I keep my word. Let the soldier be sent to Deep Creek village, at the end of Dismal Swamp Canal, and Major Gregory shall be at once restored.

EDW. A. WILD,
Brigadier-General of Volunteers.

* For Butler's letter, see p. 877. Letter of Munden and Weeks not found.

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